

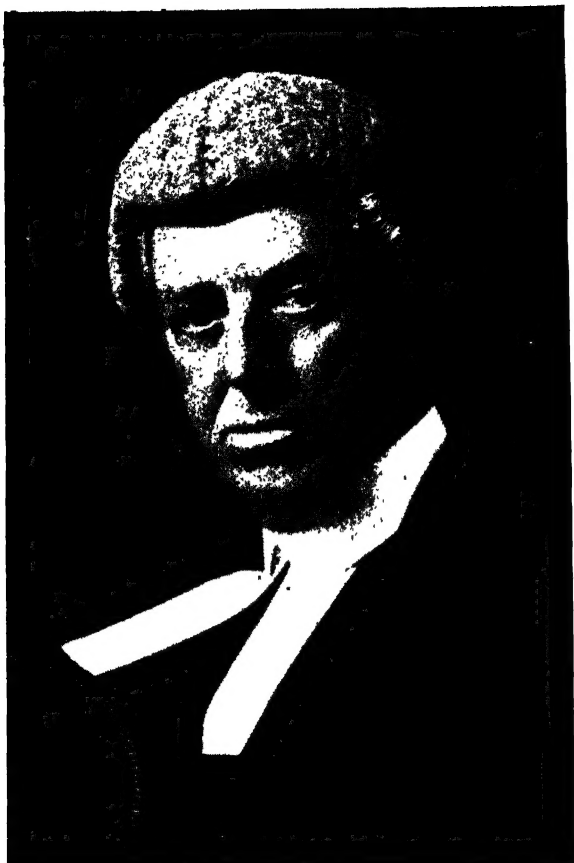
Notable British Trials

Alma Victoria Rattenbury

and

George Percy Stoner

Trial	Date of Trial	Editor
Mary Queen of Scots	(1586)	A. Francis Steuart
Guy Fawkes	(1605-6)	Donald Carswell
King Charles I	(1649)	J. G. Muddiman
The Bloody Assizes	(1678)	J. G. Muddiman
Captain Kidd	(1701)	Graham Brooks
Jack Sheppard	(1724)	S. M. Ellis
Captain Porteous	(1736)	William Roughead
The Annesley Case	(1743)	Andrew Lang
Lord Lovat	(1747)	David N. Mackay
Mary Blandy	(1752)	William Roughead
James Stewart	(1752)	David N. Mackay
Eugene Aram	(1759)	Eric R. Watson
Katharine Nairn	(1765)	William Roughead
The Douglas Cause	(1761-1769)	A. Francis Steuart
Duchess of Kingston	(1776)	Lewis Melville
Deacon Brodie	(1788)	William Roughead
"Bounty" Mutineers	(1792)	Owen Rutter
Abraham Thornton	(1817)	Sir John Hall, Bt.
Henry Fauntleroy	(1824)	Horace Bleackley
Thurtell and Hunt	(1824)	Eric R. Watson
Burke and Hare	(1828)	William Roughead
J. B. Rush	(1849)	W. Teignmouth Shore
William Palmer	(1856)	Eric R. Watson
Madeleine Smith	(1858)	F. Tennyson Jesse
Dr. Smethurst	(1859)	L. A. Parry
Mrs. McLachlan	(1862)	William Roughead
Franz Muller	(1864)	H. B. Irving
Dr. Pritchard	(1865)	William Roughead
The Wainwrights	(1875)	H. B. Irving
The Stauntons	(1877)	J. B. Atlay
E. M. Chantrelle	(1878)	A. Duncan Smith
Kate Webster	(1879)	Elliott O'Donnell
City of Glasgow Bank	(1879)	William Wallace
Charles Peace	(1879)	W. Teignmouth Shore
Dr. Lamson	(1882)	H. L. Adam
Adelaide Bartlett	(1886)	Sir John Hall, Bt.
Mrs. Maybrick	(1889)	H. B. Irving
J. W. Laurie	(1889)	William Roughead
The Baccarat Case	(1891)	W. Teignmouth Shore
T. N. Cream	(1892)	W. Teignmouth Shore
A. J. Monson	(1893)	J. W. More
W. Gardiner (Peasenhall)	(1903)	William Henderson
G. Chapman	(1903)	H. L. Adam
S. H. Dougal	(1903)	F. Tennyson Jesse
Adolf Beck	(1904)	Eric R. Watson
Oscar Slater	(1909-1928)	William Roughead
H. H. Crippen	(1910)	Filson Young
J. A. Dickman	(1910)	S. O. Rowan-Hamilton
Steinie Morrison	(1911)	H. Fletcher Moulton
The Seddons	(1912)	Filson Young
George Joseph Smith	(1915)	Eric R. Watson
Sir Roger Casement	(1916)	George H. Knott
Harold Greenwood	(1920)	Winifred Duke
Bywaters and Thompson	(1922)	Filson Young
Ronald True	(1922)	Donald Carswell
H. R. Armstrong	(1922)	Filson Young
L. P. Vaquier	(1924)	R. H. Blondell
E. D. Marrett	(1927)	William Roughead
Brownie and Kennedy	(1928)	W. Teignmouth Shore
Dr. Knowles	(1928)	Albert Lieck
Sidney H. Fox	(1929)	F. Tennyson Jesse
House	(1931)	Helena Normanton
Royal Mail Case	(1931)	Collin Brooks



*[Russell, London*

**Mr. Justice Humphreys**

TRIAL OF  
**Alma Victoria Rattenbury**  
and  
**George Percy Stoner**

EDITED BY

**F. Tennyson Jesse**

Author of "Murder and its Motives," &c.

ILLUSTRATED

**AUSTRALIA**  
**BUTTERWORTH & CO.**  
**(AUST.), LTD.**  
**SYDNEY AND**  
**MELBOURNE**

**NEW ZEALAND**  
**BUTTERWORTH & CO.**  
**(AUST.), LTD**  
**WELLINGTON AND**  
**AUCKLAND**

**INDIA**  
**BUTTERWORTH & CO.**  
**(INDIA), LTD.**  
**CALCUTTA, BOMBAY**  
**AND MADRAS**

**U.S.A.**  
**BUTTERWORTH & CO.**  
**(PUBLISHERS), LTD.**  
**LONDON**



**MADE AND PRINTED IN GREAT BRITAIN**  
**BY**  
**WILLIAM HODGE AND COMPANY, LIMITED**  
**GLASGOW AND EDINBURGH**

---

*December, 1935*

To  
THE DEAR MEMORY OF  
H. SOMERS JAMES  
BARRISTER-AT-LAW  
WHO WOULD HAVE JUDGED NO HUMAN BEING  
WITHOUT MERCY—AND ALL WITH HUMOUR



## PREFACE.

My thanks are due to Mr. T. J. O'Connor, K.C., M.P., and to Mr. J. D. Casswell and Mr. R. Lewis Manning for the help they have given me in editing this book. My thanks are also due to Dr. William O'Donnell and Mr. A. Basil Rooke, F.R.C.S., for the information without which my account would necessarily be much less complete. I am indebted to Mr. R. P. Croom-Johnson, K.C., M.P., for the revisal of his speeches, and to His Lordship, Mr. Justice Humphreys, for consenting to read over his Charge to the Jury. The medical witnesses have also been good enough to read over their evidence, and to them I wish to tender my thanks. Miss Irene Riggs was my informant as to much of the domestic life at Villa Madeira and to her also my thanks are due.

F. TENNYSON JESSE.

LONDON, *December, 1935.*



# CONTENTS.

	PAGE
Introduction, - - - - -	1
Leading Dates, - - - - -	41

## THE TRIAL.—

### FIRST DAY—MONDAY, 27TH MAY, 1935.

Opening Speech for the Crown, - - - - -	49
---	----

#### *Evidence for the Prosecution.*

Harold R. Homewood, - - - 54	Elizabeth A. Stevens, - - - 55
Arthur E. Punter, - - - 54	Richard E. Stevens, - - - 57
Frederick Clements, - - - 54	Irene Riggs, - - - 58

### SECOND DAY—TUESDAY, 28TH MAY, 1935.

#### *Evidence for the Prosecution (continued).*

William G. Budden, - - - 93	Sydney G. Bright, - - - 140
Irene Riggs (recalled), - - - 93	George H. Gates, - - - 142
Dr. W. O'Donnell, - - - 94	Walter C. Jones, - - - 143
Alfred B. Rooke, - - - 112	Harrold Simmons, - - - 144
Arthur E. Bagwell, - - - 118	Edward M. Tregunnin, - - - 145
William J. Mills, - - - 123	William G. Carter (recalled), - - - 146
William G. Carter, - - - 129	

### THIRD DAY—WEDNESDAY, 29TH MAY, 1935.

#### *Evidence for the Prosecution (continued).*

Arthur E. Bagwell (recalled), - 147	Dan Davies, - - - 160
Dr. Roche Lynch, - - - 148	Ernest C. Massey, - - - 161
Dr. H. A. Grierson, - - - 156	Albert J. Jarvis, - - - 161
Dr. E. W. Mann, - - - 159	Danby C. Dobson, - - - 162
Alice A. Assirelli, - - - 159	James N. Westcott, - - - 162
Edward C. Wright, - - - 160	

#### *Evidence for the Accused Rattenbury.*

Mrs. Alma Victoria Rattenbury, - - - - -	163
--	-----

#### *Evidence for the Prosecution (continued).*

Harry Baddeley, - - - - -	176
---------------------------	-----

#### *Evidence for the Accused Rattenbury.*

Mrs. Alma Victoria Rattenbury (recalled), - - - - -	177
---	-----

#### *Evidence for the Prosecution (continued).*

Dr. E. W. Mann (recalled), - - - - -	203
--------------------------------------	-----

# CONTENTS.

PAGE

FOURTH DAY—THURSDAY, 30TH MAY, 1935.

## *Evidence for the Prosecution (continued).*

Dr. H. A. Grierson (recalled),	-	-	-	-	-	-	-	-	-	204
Alfred B. Rooke (recalled),	-	-	-	-	-	-	-	-	-	204

## *Evidence for the Accused Stoner.*

George Stoner,	-	-	-	-	-	-	-	-	-	206
Mrs. Olive M. Stoner,	-	-	-	-	-	-	-	-	-	208
Dr. Lionel A. Weatherly,	-	-	-	-	-	-	-	-	-	208
Mrs. Louise M. Price,	-	-	-	-	-	-	-	-	-	214
Dr. Robert D. Gillespie,	-	-	-	-	-	-	-	-	-	214

## *Closing Speech for the Prisoner Stoner.*

Mr. J. D. Casswell,	-	-	-	-	-	-	-	-	-	221
---------------------	---	---	---	---	---	---	---	---	---	-----

## *Closing Speech for the Crown.*

Mr. R. P. Croom-Johnson,	-	-	-	-	-	-	-	-	-	232
--------------------------	---	---	---	---	---	---	---	---	---	-----

## *Closing Speech for the Prisoner Rattenbury.*

Mr. T. J. O'Connor,	-	-	-	-	-	-	-	-	-	241
---------------------	---	---	---	---	---	---	---	---	---	-----

## *Charge to the Jury.*

Mr. Justice Humphreys,	-	-	-	-	-	-	-	-	-	246
The Verdict,	-	-	-	-	-	-	-	-	-	287
The Sentence,	-	-	-	-	-	-	-	-	-	288

# APPENDICES.

I. Court of Criminal Appeal—Rex v. Stoner,	-	-	-	-	-	291
II. Inquest on Mrs. Alma Victoria Rattenbury,	-	-	-	-	-	294
III. Statement by Mrs. Alma Victoria Rattenbury,	-	-	-	-	-	297

## LIST OF ILLUSTRATIONS.

[illegible]





# RATTENBURY AND STONER.

## INTRODUCTION.

On 25th September, 1934, the following advertisement appeared in *The Bournemouth Daily Echo*: "Daily willing lad, 14-18, for housework. Scout-trained preferred."

This advertisement had been inserted by a Mrs. Rattenbury, of Villa Madeira, Manor Park Road, and was answered by a youth called George Percy Stoner. Since he was of an age to drive a car, and his previous employment had been in a garage, he was engaged as chauffeur-handyman.

On Monday, 27th May, 1935, Alma Victoria Rattenbury and George Percy Stoner were charged at the Central Criminal Court with the murder of the woman's husband, Francis Mawson Rattenbury. Both the accused pleaded not guilty.

Mrs. Rattenbury was thirty-eight years old, and Stoner—a chauffeur in her husband's employ—had attained the age of eighteen in November of 1934. Mrs. Rattenbury and Stoner had become lovers soon after Stoner was taken into Mr. Rattenbury's employ in September of that year.

Both Mr. and Mrs. Rattenbury had been previously married; he once and she twice. Mr. Rattenbury had a grown-up son; and Mrs. Rattenbury, a little boy called Christopher, born in 1922. The marriage of Francis Rattenbury and Alma Victoria took place about 1928, and a boy, John, was born a year after. Since the birth of this child Mr. and Mrs. Rattenbury had not lived together as husband and wife. Mr. Rattenbury was sixty-seven years old and not a young man for his age. He was an architect of distinction, and had lived most of his working life in Canada, but when he retired in 1928, he and his wife came to live in Bournemouth. Eventually they took a little white house called Villa Madeira in a pleasant suburban road near the sea, shaded by pines. A companion-help, Miss Irene Riggs,

## Rattenbury and Stoner.

came to live with them. Little John went to school, but came home every week-end, and Christopher, the child of Mrs. Rattenbury's second marriage, spent his holidays at Villa Madeira.

When Stoner was first employed at Villa Madeira, he lived at home and went to his work by day, but in November, he took up his residence in the house. He had become Mrs. Rattenbury's lover before that.

On the night of Sunday, 24th March, 1935, Mr. Rattenbury was attacked from behind as he sat sleeping in an arm-chair in the drawing-room. It was never in dispute that the weapon employed was a carpenter's mallet, which Stoner had fetched from his grandfather's house that afternoon.

The events that night, as they first were made known in the newspapers, were as follows:—

Mrs. Rattenbury declared that at about 10.30, after she had gone to bed, she heard a groan from the room below, that she went downstairs, and found her husband in the easy-chair, unconscious, with blood flowing from his head. She called Irene Riggs, her companion-maid, and told her to telephone for Dr. O'Donnell, who was her doctor. Dr. O'Donnell arrived and found Mrs. Rattenbury very drunk, and Mr. Rattenbury unconscious with blood flowing from his head. Mrs. Rattenbury said: "Look at him—look at the blood—someone has finished him."

Dr. O'Donnell telephoned for Mr. Rooke, a well-known surgeon. Mr. Rooke arrived and found it impossible to examine the patient as Mrs. Rattenbury was very drunk and excitable, and kept getting in his way. The ambulance was sent for, and the patient removed to Strathallen Nursing Home. After his head had been shaved in the operating theatre, Mr. Rooke and Dr. O'Donnell saw three serious wounds on the head, that could not have been self-inflicted, and, accordingly, they communicated with the police.

Mr. Rooke operated on Mr. Rattenbury, and Dr. O'Donnell between 3.30 and 4 a.m. returned to Madeira Villa. He found Mrs. Rattenbury running about extremely intoxicated, four or five police officers in the house (some of whom

## Introduction.

she was trying to kiss), the radio-gramophone playing and all the lights on. He gave Mrs. Rattenbury half a grain of morphia, and put her to bed. During the hours of progressive drunkenness Mrs. Rattenbury had kept on making statements to the effect that she had killed her husband. The next morning she repeated her assertions in a slightly varied form and she was taken to the Bournemouth Police Station and charged with doing grievous bodily harm with intent to murder. When she was charged Mrs. Rattenbury said: "That is right—I did it deliberately, and would do it again."

Such was the terrible case for the prosecution against Alma Victoria Rattenbury, and the picture that had inevitably formed itself before the public mind was revolting.

There was probably no one in England, and no one in Court when the trial opened, save Mrs. Rattenbury, her solicitor and counsel, Stoner and his solicitor and counsel, and Irene Riggs, who did not think Mrs. Rattenbury was guilty of the crime of murder. In everyone's mind, including that of this Editor, there was a picture of Mrs. Rattenbury as a coarse, brawling, drunken and callous woman. But life is not as simple as that, and very often an accurate report fails to convey truth, because only certain things have been reported. The form of the English oath has been very wisely thought out—"the truth, the whole truth, and nothing but the truth." It is possible to give an erroneous impression by merely telling the truth and nothing but the truth. The "whole truth" is a very important factor. The whole truth about Mrs. Rattenbury came out during the trial, and the woman, who at first seemed so guilty, was seen to be undoubtedly innocent. This was not merely because there proved to be no evidence beyond her own drunken utterances, but because of her own attitude in the witness-box. For there is no test of truth so relentless as the witness-box—it is deadly to the guilty, and it may save the innocent.

In most criminal trials the pattern is set at the beginning and merely strengthens as the trial progresses. In the Rattenbury case the evidence—which seemed so damning on the first day—completely altered in character; what had seemed

## Rattenbury and Stoner.

to be undoubted fact proved to be an airy nothing and the whole complex pattern shifted and changed much as the pattern of sand changes when it is shaken, and, like sand, it slipped away between the fingers, leaving a residue of grains of truth very different from the pile that the prosecution had originally built up. Even at the end of the trial, so rigid is the English fashion of thinking—or rather feeling, for it is not as careful or accurate a process as thought—on sexual matters, that many people still considered Mrs. Rattenbury morally damned. That worst of all Anglo-Saxon attitudes, a contemptuous condemnation of the man and woman, but more particularly the woman, unfortunate enough to be found out in sexual delinquency, never had finer scope than was provided by the Rattenbury case.

Mrs. Rattenbury was born Alma Victoria Clark, in Victoria, British Columbia, and was the daughter of a printer in quite humble circumstances. She was extremely talented musically. The cheap strain in her came out in the words of her lyrics, but she was a really fine pianist. She grew up to young womanhood just before the War, already well known in Western Canada as a musician, and, although not strictly speaking pretty, very attractive to men. In the witness-box she still showed as a very elegant woman. She was well and quietly dressed in dark blue. She had a pale face, with a beautiful egg-like line of the jaw, dark grey eyes, and a mouth with a very full lower lip. She was undoubtedly, and always must have been a *femme aux hommes*. That is to say, that although she had women friends, and was a generous, easy, kindly, sentimental creature, she was first and foremost a woman to attract men and be attracted by them. She first married a young Englishman called Caledon Dolly, who joined the Canadian forces on the outbreak of War, and was transferred to England. She followed him and obtained employment in Whitehall. She was very devoted to her husband, but he was killed in action. This was the only completely happy relationship with a man which Mrs. Rattenbury was ever to know. She joined a Scottish nursing unit, and then became a transport driver, and worked hard through-

## Introduction.

out the War. After the Armistice she married, for the second time, a man whose wife divorced him, citing Alma Victoria Dolly. She married this second husband in 1921, and the child of that union was born the following year. The marriage was unhappy, and she returned to the house of an aunt in Victoria, and there she met Mr. Rattenbury. Mr. Rattenbury was married himself at the time, but fell very much in love with Alma Victoria, and his wife divorced him, citing her. At this time Mr. Rattenbury was about sixty years of age, and Mrs. Rattenbury thirty-one. Life was not too easy for Mr. Rattenbury and his new wife in a country where everyone knew of the scandal of the divorce, and this was the chief reason why the Rattenburys came to England to settle in Bournemouth.

Mrs. Rattenbury was a highly sexed woman, and six years of being deprived of sexual satisfaction had combined with the tuberculosis from which she suffered, to bring her to the verge of nymphomania. Now nymphomania is not admirable, but neither is it blameworthy. It is a disease. In spite of the urgency of her desires, which must have tormented her, Mrs. Rattenbury had not, as far as is known, had a lover since the birth of little John. She certainly had had none the four years she had lived in Bournemouth, and she had no abnormal tendencies. She was fond of her husband in a friendly fashion, and he was devoted to her, very interested in her song-writing and anxious for her to succeed. He would often talk to Irene Riggs about his wife, and dwell on the unhappy life she had led, and he never in these conversations said anything against her. Miss Riggs, one of my informants as to these matters, also said that Mrs. Rattenbury was very kind to her husband, that she was, indeed, kind to everyone. The household was not an unhappy one, but neither was it happy. For one thing, Mrs. Rattenbury was a gregarious creature, and her husband was of an unsociable frame of mind. He knew hardly anyone of his own station in life, except Dr. O'Donnell and Mr. Jenks, a retired barrister who had an estate at Bridport. But Mrs. Rattenbury was very different from her husband; she had that lavish, easy, friendliness which one associates with music-hall

## Rattenbury and Stoner.

artistes, and she could not live without affection. When she made a friend of Irene Riggs, she did so because it was her nature to be friendly with the people who surrounded her. She was fond of Irene Riggs, who, on her side, was devoted to her employer, in spite of the latter's impatient temper. Any little outing to London, any treat, such as a theatre, Mrs. Rattenbury shared with Irene Riggs, and the girl has remained attached to the memory of the kindest person she ever met, who helped anyone in need that she came across. But the chief devotion of Mrs. Rattenbury's life was for her children. No one denies that she was a good and loving mother. Dr. O'Donnell and Miss Riggs both say that Mrs. Rattenbury thought nothing too good for her children, and that there was nothing she would not have done for them. She was for ever thinking and talking about them, and occupying herself in practical ways for their welfare.

The Rattenburys lived peaceably as a rule, but sometimes they had quarrels—these were about money. Mr. Rattenbury, like a great many men, was generous in big matters, but difficult in small ones. He allowed his wife £1000 a year, and many newspapers reported this fact in such a manner that the reading public might easily have imagined that this sum was hers for herself alone. As a matter of fact, out of it she paid for the food for herself, her husband, the domestics and the children when at home, and for one of the boys' schooling. She also paid for Mr. Rattenbury's clothes and for her own, and she paid the servants' wages. Mr. Rattenbury was a heavy drinker of whisky, and every few weeks Mrs. Rattenbury would drink more cocktails than would be good for her, so that the bill for drinks alone must have amounted to a good deal. It will be seen that £1000 a year, nowadays, is not too large a sum out of which to support and clothe a household and educate a child. Mrs. Rattenbury herself had very little money sense, and her husband had every reason to fear her lavish spending. About twice a year Mrs. Rattenbury would coax an extra sum out of him; a large sum, over £100, but this he parted with much more easily than he would have parted with small sums more often. Mrs.

## Introduction.

Rattenbury did not pretend that she told her husband true stories to induce him to give her this extra money. She admitted she invented whatever story would be the most likely to achieve the desired result. Mr. Rattenbury was frequently very depressed about financial matters; like everyone else he had suffered in the slump, and he was apt, during his moods of depression, to threaten to commit suicide. One day in July, 1934, he harped on this threat at greater length than usual, and his wife lost her temper, and told him it was a pity that he did not do it, instead of always talking about it. Mr. Rattenbury in his turn then lost his temper and hit his wife, giving her a black eye. She sent for Dr. O'Donnell, who found her very agitated and upset. Her husband had left the house, and she feared that he really had gone to kill himself. Mr. Rattenbury did not, in fact, return till about two in the morning, by which time Dr. O'Donnell also was extremely anxious. Mrs. Rattenbury was by then so ill that he injected a quarter of a grain of morphia, and she slept for twelve hours. After that, life went on as usual with the Rattenburys. She bore him no grudge for having struck her. She was a person of quick temper herself, but generous in what children call "making it up." This was the only serious quarrel between the Rattenburys that Dr. O'Donnell or Irene Riggs knew of in four years. In the box, Mrs. Rattenbury was asked whether her married life was happy, and she answered: "Like that . . . !" with a gesture of her hand. A gesture that sketched the married life of the larger part of muddled humanity.

Life might have gone on in the usual pedestrian fashion at Villa Madeira for ever, but George Percy Stoner joined the household, and Mrs. Rattenbury fell in love with him.

The expression "falling in love" is an attempt to define something which escapes definition. Mankind has a natural weakness for labels, for they simplify life, and though this particular label is one of the most pernicious which have been evolved, it must be remembered that it covers not only a multitude of sins, but of virtues. Perhaps no two people would give quite the same definition of its meaning. Very few people



## Rattenbury and Stoner.

trouble to try. Mrs. Rattenbury herself was a woman who dealt in labels, and she accepted the expression "falling in love." She wrote cheap little lyrics of the more obvious variety, and she herself would never have questioned what "in love" meant. She was "in love" with Stoner, who, except for his virility, was not a particularly interesting or attractive person. Indeed, lack of taste is one of the chief charges against Mrs. Rattenbury, both in her work and in her life. She was very uncontrolled emotionally. Her lyrics were appalling. She was subject to drinking bouts, which added to her natural excitability. She had not scrupled, twice, to take other women's husbands away from them, and she seems to have been, to use a slang phrase, a natural born bad picker. When she took Stoner as her lover, she said to Dr. O'Donnell: "There is something I want to tell you. I am afraid you will be shocked and never want to speak to me again." Dr. O'Donnell replied that there were very few things he had not been told in the course of his life, and that he was not easily shocked. She then told him the step she had taken, and he spoke to her seriously, warning her that she was probably being very unwise. But she was too far gone in love by then to heed any advice he gave her. She merely reiterated that she was in love with Stoner.

One of the things that told most strongly against Mrs. Rattenbury's moral character, was that, in the witness-box, she admitted that she had connexion with her lover when little John was asleep in his bed in the same room. This was to many people in Court, including myself, a very shocking statement. However, it must be admitted in fairness that there are unfortunately thousands of families in England where the same thing goes on. I myself have come across such families, and I consider the practice to be none the less shocking because the parents happen to be married. There is no doubt that an innocent child, awakening and seeing what was going on, would get an impression of something ugly and terrifying, even unnatural, which might do him harm for the rest of his life. But it is only fair, also, to add that Dr. O'Donnell has assured me he never knew a child who slept

## Introduction.

as soundly as little John. If the Doctor and Irene Riggs were attending Mrs. Rattenbury when she happened to be ill, John would sleep undisturbed throughout the visit. I should also add that relations of Mr. Rattenbury, who took Mrs. Rattenbury into their house after her acquittal, told me that she said: "I can't think what made me say that in the witness-box about Stoner making love to me when little John was in the room. He didn't. I got bewildered, and lost my head, and heard myself saying it." There is, of course, no means of knowing whether Mrs. Rattenbury was speaking the truth when she made this remark. I can only say that I think it unlikely, for the reason that she gave the impression throughout her evidence of being a witness of truth, of being so terrified of what might be the result if she diverted from the truth, that she dared not do so, even when it told against her. It may be thought that the solution to the riddle is that, generally, she did go into Stoner's room when little John was at home, but that on some occasions connexion had taken place in the room where the child was. If so, Mrs. Rattenbury's bad taste is again manifest.

The obvious solution to the question as to what love meant for her, is that it meant physical satisfaction. Yet, if it had meant only this, it would have deserted her when she stood in peril of her life. It did not do so, and neither did Stoner's love for her. Stoner refused to go into the box, and told his counsel he did not deny having attacked Mr. Rattenbury. The woman for weeks insisted, to her solicitor and counsel, that she wished to take the blame, so as to save Stoner. Mr. Lewis-Manning, her solicitor, made it clear to her that, if she lied, her story would not stand the test of the witness-box, and that she would only hang herself without saving Stoner. But not till Christopher, the little boy of her second marriage, was sent to her in prison to plead with her to tell the truth, did she give way. And, afterwards, in the witness-box, she said as little against her lover as possible, making light of certain alleged attacks of violence towards herself, attacks which had frightened her so much, that, long before the murder, she consulted Dr. O'Donnell about them.

## Rattenbury and Stoner.

Indeed, one of the most interesting points in this case is, that it is the only one, as far as I am aware, where two people have been charged together on the capital indictment when neither of the accused has abandoned the other in a scramble for safety. Milson and Fowler, Field and Gray, Gabrielle Bompard and Eyraud, Mr. and Mrs. Manning, Ruth Snyder and Judd Gray, to remember only a few at random, all tried to throw the blame on the partner in crime. Mrs. Thompson, terrified and conscious of her own innocence of murder, never gave a thought to the safety of her lover, Bywaters. Mrs. Rattenbury was willing and anxious to take the whole blame if by so doing she could save her lover. It is Mr. Lewis-Manning's considered opinion that Mrs. Rattenbury was not merely in a condition of exaltation that would have failed her at the last pass, but that she would have hanged without a tremor if by so doing she could have saved Stoner.

The story of Mrs. Rattenbury's life is a mingling of tragedy and futility. It is easy to be sentimental and see only the tragedy. It is easy to be stupid and see only the futility. The truth is, that it is always easy to label people, but because a thing is easy, it is not necessarily accurate. No human being is simple. Stoner may have seemed simple enough to his family; he had always been a quiet boy who did not make friends, but his quiet appearance concealed stormy adolescent yearnings. He had the dramatic instincts natural to the young, and, unfortunately, circumstances thrust him into real drama before he could tell the difference between what was real and what was make-believe. Physically, he was very passionate, and nothing in his mental training had equipped him to cope with the extraordinary life to which it had pleased Mrs. Rattenbury to call him.

Francis Rattenbury, that outwardly quiet man, is a pathetic figure in retrospect. Mr. Justice Humphreys referred to him as being "that very unpleasant character for which, I think, we have no suitable expression, but which the French call 'a mari complaisant.' A man who knew that his wife was committing adultery, and had no objection to it." Mrs. Rattenbury said, in the box, that she thought her husband

## Introduction.

knew because she had told him she was living her own life. But she may well have told him that without his taking in the meaning of her words. He was completely incurious, and he lived not in the present, but in regrets for the past and anxieties for the future.

Irene Riggs, Dr. O'Donnell, and, indeed, everyone acquainted with the household to whom this Editor has spoken, was of the opinion that Mr. Rattenbury was not aware that his wife and his chauffeur were lovers. But when I saw Villa Madeira, I thought this difficult to credit. It is so small as to be remarkable, small as the witch's cottage in "Hansel and Gretel." On the ground floor are the kitchen, drawing-room, dining-room, and a room that Mr. Rattenbury used as a bedroom, and which opened off the drawing-room. Is it possible that a man, in a house as small as Madeira Villa, would not hear the footsteps over his head whenever Stoner came into Mrs. Rattenbury's room, and that he would not hear the occasionally loud quarrels which took place between them? Looking at Villa Madeira, the answer would seem to be that it would be quite impossible. And yet Mr. Rattenbury's known character and habits supply a different answer. Every night Mr. Rattenbury drank the best part of a bottle of whisky. He was a man brilliant in his profession, with many excellent qualities, and he was not a drunkard, but he was not a young man, and he was very deaf. The alcohol which he consumed every night explains why he no longer lived with his wife, why he was completely incurious as to her doings, and why he heard nothing of what was going on over his head. He was not, in the opinion of all who knew him, the doctor, his own relations, and Irene Riggs, who lived in the house, the character stigmatised by Mr. Justice Humphreys as a "mari complaisant, not a nice character." He was a quiet, pleasant man whose finances worried him, and whose emotional relationships had disappointed him.

A man in Mr. Rattenbury's condition, and of his age, is apt to forget the power that the natural inclinations of the flesh had over him in youth and middle age, and

## Rattenbury and Stoner.

he may fail to realise that it is still a factor in the life of anyone else. As far as Mr. Rattenbury knew, he was a good husband to his wife. He admired her, was genuinely fond of her. There was nothing within his power that he would not have done for her, and Mrs. Rattenbury was astute enough to take advantage of this whenever possible. In regard to his wife, his chief anxieties were financial, and after he had started to take his prolonged night-cap each evening, the rest of the world existed very little for him. The passions, the jealousies of a decade earlier, had ceased, not only in the present, but even as a memory of the past. The chief tragedy in life is, not what we are but what we have ceased to be, and Mr. Rattenbury was an example of this truth. It is easy to say that a man who knows his wife is committing adultery and has no objection, is not a nice character. But it is not necessarily the truth. It is possible that a man who no longer leads a normal life with his wife, yet thinks of her, not as his property, but as a human being who belongs to herself, and has a right to a normal life. I do not say that this was Mr. Rattenbury's attitude (although Mrs. Rattenbury said that it was), I merely say that it would not necessarily have been a despicable attitude. But, of course, the judgment of the man in the street is the same as that of Mr. Justice Humphreys. It is an Anglo-Saxon attitude. Another Anglo-Saxon attitude, accepted by the learned Judge, by counsel on both sides, and by the British public, was that, because of her greater age, Mrs. Rattenbury dominated her young lover. It was this same assumption which hanged Mrs. Thompson. There has been a growing consensus of public opinion ever since the Bywaters-Thompson trial, that the female prisoner was wrongly convicted; and the memory of the earlier trial haunted the Court-room like a ghost. The Rattenbury case seemed like an echo of that tragedy, and it is not fanciful to say that Mrs. Thompson's fate did much to save Mrs. Rattenbury. A judge who knew how to point out firmly and clearly to the jury that a woman must not, because of her moral character, be convicted of murder, and a jury, who were determined that no confusion

## Introduction.

of thought or prejudice should lead them into giving a wrong verdict, were two great safeguards for Mrs. Rattenbury, and the uneasy memory of Edith Thompson, was yet a third. Nevertheless, the assumption of the Bywaters-Thompson case, that an elderly woman dominates her young lover, still obtained at the Rattenbury trial. The actual truth is that there is no woman so under the dominion of her lover as the elderly mistress of a very much younger man. The great Benjamin Franklin knew this, and there is extant a letter of advice written by him to a young man, which is a model of clear thinking. The original belongs to the U.S. Government, and is in the custody of the Librarian of Congress at Washington, D.C. This copy was taken from the original letter, and has not hitherto been published in England.

June 25th, 1745.

My Dear Friend,

I know of no medicine fit to diminish the violent nocturnal inclinations you mention, and if I did, I think I should not communicate it to you. Marriage is the proper remedy.

It is the most natural state of man, and therefore the state in which you are most likely to find solid happiness. Your reasons against entering it at present appear to me not well founded. The circumstantial advantages you have in view of postponing it are not only uncertain, but they are small in comparison with that of the thing itself—the being married and settled.

It is the man and woman united that make the complete human being. Separate, she wants his force of body and strength of reason; he, her softness, sensibility and acute discernment. Together they are most likely to succeed in the world. A single man has not nearly the value he would have in a state of union. He is an incomplete animal; he resembles the odd half of a pair of scissors. If you get a prudent healthy wife, your industry in your profession, with her good economy, will be a fortune sufficient.

But if you will not take this counsel, and persist in thinking a commerce with the sex inevitable, then I repeat my former advice, that in your amours you should prefer OLD WOMEN TO

## Rattenbury and Stoner.

YOUNG ONES. You call this a paradox, and demand reasons. They are these :—

*First.* Because they have more knowledge of the World, and their minds are better stored with observations; their conversation is more improving and more lastingly agreeable.

*Second.* Because when women cease to be handsome, they study to be good. To maintain their influence over men they supply the diminution of beauty by an augmentation of utility. They learn to do a thousand services, small and great, and are the most tender and useful of all friends when you are sick. Thus they continue amiable, and hence there is scarcely such a thing to be found as an old woman who is not a good woman.

*Third.* Because there is no hazard of children, which irregularly produced, may be attended with much inconvenience.

*Fourth.* Because, through more experience, they are more prudent and discreet in conducting an intrigue to prevent suspicion. The commerce with them is therefore safe with regard to your reputation, and with regard to theirs. If the affair should happen to be known, considerate people might be rather inclined to excuse an old woman who would kindly take care of a young man, form his manners by her good counsels, and prevent his ruining his health and fortune among mercenary prostitutes.

*Fifth.* Because in every animal that walks upright the deficiency of the fluid that fills the muscles appears but on the highest part. The face first grows lank and wrinkled, then the neck, then the breast and arms—the lower parts continuing to the last as plump as ever; so that, covering all above with a basket, and regarding only what is below the girdle, it is impossible of two women, to know an old from a young one. And as in the dark all cats are grey, the pleasure of corporal enjoyment with an old woman is at least equal and frequently superior; every knack being, by practice, capable of improvement.

*Sixth.* Because the sin is less. The debauching a virgin may be her ruin and make her life unhappy.

*Seventh.* Because the compunction is less. The having made a young girl miserable may give you frequent bitter reflections, none of which can attend the making an Old woman Happy.

*Eighth and Lastly.* They are so grateful.

## Introduction.

This much for my paradox, but still I advise you to marry immediately, being sincerely,

Your affectionate friend,

(Signed) B. FRANKLIN.

“ Eighth and lastly ” is worthy of the consideration of English lawyers and the English public when a Thompson-Bywaters or Rattenbury-Stoner case is under consideration. Once Stoner had become Mrs. Rattenbury’s lover, she worshipped him. It was before the consummation of her desire that she was the dominating character, and to that extent she was responsible for the whole tragedy, but to that extent only. She felt this responsibility deeply, and it was remorse as well as love that made her eager and willing to save Stoner even at the cost of her own life. It was, indeed, a terrible responsibility in view of the events. She could not know that Stoner would be wild with jealousy, but she must have known, had she paused to think, that a lad of Stoner’s age and antecedents would lose all sense of values when he became the lover of his social superior, who dazzled him with a whole new mode of life. If Stoner’s first love-affair had been with a girl of his own class, no ill need have come of it. Nevertheless, another strange assumption was made—that it is somehow harmful for a young man of eighteen to have sexual connexion. Dr. Gillespie, physician for psycho-medicine at Guy’s Hospital, a witness for the defence, was asked in cross-examination by Mr. Croom-Johnson, whether “ regular sexual intercourse with a member of the opposite sex by a boy of eighteen or onwards, would be likely to do him good or harm? ” Dr. Gillespie replied that it would not do him good “ if a moral point of view were meant. ” Mr. Croom-Johnson said that he was not talking from a moral point of view, that he was asking him as a doctor. Still Dr. Gillespie wisely refused to commit himself. “ Do you think it would likely be good for his constitution—a boy of eighteen—just think what you are saying, Doctor? ” “ I am not saying that it is good for his constitution, but I am saying that if it were occurring with such frequency as my lord has said, namely such as nature would



## Rattenbury and Stoner.

permit, it would not necessarily show the effects in his external appearance." "Take the ordinary case—the ordinary boy, not somebody very strong, talking about the ordinary English youth of eighteen—do you really find yourself in any difficulty in answering the question?" "I find difficulty," replied the Doctor, "in answering the question as I believe you expect it to be answered." Doctors, as a rule, make excellent witnesses, and in this little cross-examination, Dr. Gillespie was no exception to the rule, but with what frank, Homeric laughter the question would have been greeted in a Latin country! In England it is apparently impossible to admit the simple truth that a young man of eighteen is an adult who would normally take a mate, were it not that economic conditions render it impossible.

Mrs. Rattenbury was a good witness, and in nothing more notably so than in her simple acceptance of the values of life as she knew it. "You have told us that on the Sunday night Stoner came into your bedroom and got into bed with you. Was that something that happened frequently?" asked Mr. Croom-Johnson. "Oh, yes," replied Mrs. Rattenbury simply. And later on: "Did it occur to you that if you went to Bridport, Mr. Rattenbury might want to treat you as his wife?"—"No, if I had thought it was going to happen like that I would never have suggested going." "It never occurred to you?"—"No." "You know what I mean by saying 'treat you as his wife'?" "Yes, exactly," replied Mrs. Rattenbury, as though mildly surprised that there could be any mistake about it.

Mrs. Rattenbury's vagueness about money matters and her lavish spending came out as clearly in the witness-box, as her attitude towards sensual matters. In answering to a question as to her habit of giving away cigarette holders, she said, "That is nothing for me. If anyone sees a cigarette holder and likes it, I always say 'take it.' It is my disposition"; and later: "I am very vague about money." This was certainly true. Mr. Croom-Johnson asked her in cross-examination how much money her husband let her have in the course of a year, to which she replied she "really

## Introduction.

couldn't say." "Hundreds"? "I suppose so," said Mrs. Rattenbury. "About how much a year did he let you have?" "He used to give me regularly £50 a month, and I was regularly overdrawn." "£50 a month would be £600 a year?" "I see," said Mrs. Rattenbury; and one received the impression she had not worked out this fairly simple sum for herself ever before. "In addition to that," went on Mr. Croom-Johnson, "about £150 on each of two occasions?"—"Yes, I daresay." Later, cross-examining her about the clothes she had lavished on Stoner in London, Mr. Croom-Johnson said: "You used the words 'that he required clothes'?"—"Yes, I considered so." "Silk pyjamas at 60s. a suit?"—"That might seem absurd, but that is my disposition." And certainly it was her disposition.

So, as we have seen, Mr. Rattenbury was reserved, kindly, but rather mean in money matters. Mrs. Rattenbury was unreserved, also kindly, but in a more indiscriminate fashion than her husband, and her generosity was indiscriminating also. Irene Riggs liked both of them, but her loyalty was naturally for the mistress who had been kinder to her than any human being she had ever met.

Irene Riggs was not as happy after Stoner's arrival as she had been before. Mrs. Rattenbury told her about the liaison, and Irene was too fond of her to blame her, but nevertheless she felt uneasy about the affair, and sorry that Mrs. Rattenbury could not have found happiness with someone more of her own age and class. Though Miss Riggs and Stoner did not like each other, they got on together well enough. He was a very quiet boy; she also was quiet, self-effacing and efficient. She was shocked when Mrs. Rattenbury first told her the truth, but human nature quickly adapts itself to knowledge, and Miss Riggs very rightly felt that it was not for her to praise or to blame. She stayed behind when, on 19th March, Mrs. Rattenbury arranged to take Stoner with her on a trip to London, because Stoner was very jealous of any third person, and the charm of the little friendly expeditions that had been the high lights in Irene Riggs's life before the coming of Stoner was gone. In London Mrs. Rattenbury and Stoner

## Rattenbury and Stoner.

stayed at the Royal Palace Hotel, Kensington, and spent their days in shopping and going about London. Mrs. Rattenbury explained this trip to her husband by saying she was going to have an operation (she had had several minor operations in the preceding years), and he gave her the generous sum of £250 for this purpose. Mrs. Rattenbury used a large part of this sum to pay outstanding housekeeping bills, and the rest she spent wildly upon the London trip and presents for Stoner. The importance of the expedition to London lies in the fact that, for four or five days, Stoner was accepted by the little world about him as Mrs. Rattenbury's social equal. He did not go to the Royal Palace Hotel as her chauffeur, but as her brother. They had two rooms opposite each other, and he had free access to his mistress. He was called "Sir" by the servants, and every day Mrs. Rattenbury bought him presents which to his simple mind must have appeared equivalent to Danæ's golden shower. Crêpe-de-chine pyjamas at three guineas a pair and a made-to-measure suit, must have seemed to the young man, who was a labourer's son, most exciting luxuries.

The learned Judge referred to the "orgy in London." It is difficult to imagine an orgy at the Royal Palace Hotel at Kensington, and, indeed, this Editor has never been able to discover of what an "orgy" consists. It is associated, more or less vaguely, in the popular mind with the "historical" productions of Mr. C. de Mille; glasses of wine, dancing girls, tiger skins and cushions are some of its component parts. The private coming together of a pair of lovers and their normal physical ecstasies, however reprehensible these may be morally, do not seem well described by the word "orgy." Even shopping at Harrods does not quite come under this heading. However, in this trial, as in all others of the same nature, the stock phrases were used of which most people are heartily tired. "Adulterous intercourse," "illicit union," "this wretched woman" and the like, all have a very familiar ring. They are clichés, and come to the lips of those concerned in the administration of the law as inevitably as the adjective "fashionably dressed" is attached to the noun "woman"

## Introduction.

in any reporter's account of the female spectators at a murder trial. Leaving these clichés, the fact, nevertheless, remains that Stoner's trip to London must have thoroughly unsettled him. He was happy enough at Villa Madeira, where the social régime was easy and pleasant for such as he.

Mrs. Rattenbury affected no superiority with anyone in humbler circumstances of life than her own, and Mr. Rattenbury had lived for years of his life in the democratic country where Mrs. Rattenbury was born. Stoner often played cards with him in the evening, and Mr. Rattenbury, Stoner, and Miss Riggs took their meals together. Therefore, merely to have returned to Villa Madeira, to continue its pleasant, easy life, would not necessarily have upset Stoner. But this was not exactly what happened. The lovers arrived back late on Friday evening. Mr. Rattenbury, already having imbibed his night-cap, asked no questions; even next day, according to Mrs. Rattenbury, and as far as Irene Riggs's knowledge went, he never inquired about the operation his wife had ostensibly been to London to undergo. The Saturday found him in one of his worst fits of depression. A scheme for building some flats, of which he was to have been the architect, was hanging fire, owing to the financial depression, and Mrs. Rattenbury tried to cheer him up in vain.

On the Sunday, Mr. Rattenbury was still more depressed. In the morning Mrs. Rattenbury took him for a drive. After lunch Mr. Rattenbury slept. They had tea together, little John with them. Mr. Rattenbury had been reading a book, a novel in which there was a perfect holocaust of suicides, and, according to Mrs. Rattenbury, he expressed his admiration for anyone who had the courage to make an end of himself. Mrs. Rattenbury suggested that she should ring up their friend, Mr. Jenks, at Bridport, and ask whether they could go over on the Monday. She did indeed telephone, and Mr. Jenks said he would be pleased to see them, and asked them to spend the night, an invitation which they accepted. The telephone was in Mr. Rattenbury's bedroom, which opened off the drawing-room. Mr. Rattenbury remained in the drawing-

## Rattenbury and Stoner.

room, but Stoner came into the bedroom, and overheard the arrangements which Mrs. Rattenbury was making. He was frightfully angry and threatened Mrs. Rattenbury with an air pistol, which he was carrying in his hand, and which she took to be a revolver. He told Mrs. Rattenbury that he would kill her if they went to Bridport. Mrs. Rattenbury, nervous lest Mr. Rattenbury should overhear the conversation, though, as she said, "He never really took very much notice," urged Stoner into the dining-room, and went there with him. Once there he accused her of having had connexion with her husband that afternoon—an accusation entirely baseless—and said that, if the Bridport plan were carried out, he would refuse to drive. Stoner said that at Mr. Jenks's house the Rattenburys would have to share a bedroom, but Mrs. Rattenbury assured him that would not be so, and what she said she knew to be the truth, for she and her husband had stayed with Mr. Jenks before, and had had two rooms. Stoner, though he appeared to be pacified, continued to brood over the matter in his mind, and at about eight o'clock that evening, he went to the house of his grandparents, sat and chatted, apparently normally, with his grandmother for some time, and borrowed a carpenter's mallet, but borrowed it perfectly openly. He went back to Villa Madeira and Mrs. Rattenbury noticed nothing abnormal about him.

That same evening Mrs. Rattenbury sat and played cards with her husband, kissed him good-night, and went upstairs. It was Irene's evening out, and Mrs. Rattenbury passed the time by getting together her things for Bridport. She had already put out Mr. Rattenbury's clothes in his bedroom downstairs. Irene came in at about 10.15, and went straight to her room. Some ten minutes later she went downstairs, either to see if all was well or to get something to eat—there seems a slight discrepancy in her evidence here. When she was downstairs, in the hall, she heard a sound of heavy breathing, and putting her head into Mr. Rattenbury's bedroom, she switched on the light. He was not there, and the sound of breathing came from the drawing-room, the door between that and the bedroom being open.

## Introduction.

Miss Riggs concluded that he had, as he so often did, fallen asleep in his chair, and she went upstairs again into her bedroom. A few moments later she went out again to go to the lavatory, and found Stoner leaning over the banisters at the head of the stairs, looking down. She said, "What is the matter?" He replied, "Nothing, I was looking to see if the lights were out." Then about a quarter of an hour later Mrs. Rattenbury came to Irene's room and told her about the expedition to Bridport. Mrs. Rattenbury then went to her own room, and about ten minutes later Stoner came and slipped into her bed. He seemed very agitated and upset. She said, "What is the matter, darling?" He replied that he was in trouble, but that he could not tell her what it was about. She replied that he must tell her, that she was strong enough to bear anything, and he then said, "You won't be going to Bridport to-morrow." He went on to say that he had hurt "Ratz." He said that he had hit him over the head with a mallet, which he had since hidden in the garden. Mrs. Rattenbury definitely conveyed the impression from the box that it was possible that the idea in Stoner's head was merely to injure Mr. Rattenbury, so that the proposed expedition could not take place. "I thought," she said, "he was frightened at what he had done, because he had hurt Mr. Rattenbury. . . . I thought he'd just hurt him badly enough to prevent him going to Bridport, and when I said 'I'll go and see him,' he said 'No, you must not; the sight will upset you,' and I thought all I had to do was to fix Ratz up, and that would put him all right."

It may be that this was the only idea in Stoner's unbalanced and ill-educated mind, but that he found it impossible to stop after the first blow, and administered two more. Or it may be that, in his disturbed and jealous state, he would have done anything sooner than allow the Bridport trip to take place. If Stoner had driven the Rattenburys to Bridport, he would have had to do so in his capacity of chauffeur. He would have stayed there in the same capacity, eaten in the servants' hall, not had access to his mistress, and ranked as a domestic with the other

## Rattenbury and Stoner.

domestics. The thought of the expedition to Bridport, coming as it would have, directly after the "orgy" in London, was unbearable. It may be argued that as a motive, this distaste for going to Bridport was very inadequate. But all motives for murder are inadequate. Men have murdered for smaller sums than an embezzler would plot to obtain. Directly the sense of what Stoner was telling her penetrated to Mrs. Rattenbury's mind, she jumped out of bed and ran downstairs as she was, in her pyjamas and bare feet. A minute later, Irene Riggs, who had not yet fallen asleep, heard her mistress shrieking for her. Miss Riggs ran downstairs and found Mr. Rattenbury leaning back in an armchair, as though he were asleep. There was a large pool of blood on the floor, and one of his eyes was very swollen and discoloured, and she thought he had a black eye, but this was, in reality, "contrecoup"—the effect upon his eye of the blows on the back of his head. Mrs. Rattenbury asked Irene to telephone for the doctor at once, telling her to hurry and, to use Miss Riggs's own expression, went "raving about the house." "Oh! poor Ratz. Poor Ratz!" she kept repeating, "can't somebody do something?" Mrs. Rattenbury drank some whisky; she was violently sick, and drank more whisky. She kept on telling Miss Riggs to wipe up the blood because she said little John must not see any blood.

Now there is no doubt Mrs. Rattenbury knew from the moment she set eyes on her husband that Stoner's talk upstairs had not been a mere attempt to attract her interest and attention. She knew that he had injured her husband in a terrible fashion, and that tragedy, which she could not control, had suddenly taken possession of her life. Her first thought was for her husband, her second for little John. Her third was for Stoner, and this thought persisted, and deepened in intensity, during the hours that followed.

Dr. O'Donnell arrived at Villa Madeira at about 11.45, in answer to the telephone call. Mrs. Rattenbury was, in his opinion, already very drunk. Mr. Rooke, the surgeon, arrived at the house about five minutes after midnight, and he also was of the opinion that Mrs. Rattenbury was drunk.

## Introduction.

Dr. O'Donnell and Mr. Rooke decided that, largely owing to the excited condition of Mrs. Rattenbury, the only proper place for her husband was in a nursing home. They took him there, shaved his head, and discovered three wounds, which were obviously the result of external violence, and of three separate blows. Dr. O'Donnell telephoned the Central Police Station, about ten minutes' walk from the nursing home and two minutes by car, and said: "Dr. O'Donnell speaking from Strathallen Nursing Home, Manor Road. Mr. Rooke and myself have just taken Mr. Rattenbury from 5 Manor Road to the nursing home. On examination we find three serious wounds on the back of his skull, due to external violence, which will most probably prove fatal." Central Police Station replied: "You want an officer?" Dr. O'Donnell said "Yes, at once." But it was half an hour before the constable arrived. The constable then said he must get an inspector, and at about 3.15 a.m. Inspector Mills, who had already been at Villa Madeira, arrived. At 3.30 Inspector Mills, Mr. Rooke, and Dr. O'Donnell left the nursing home. Stoner was sleeping peacefully outside in the Rattenbury car, and he drove Dr. O'Donnell back to Madeira Villa, following the police car.

When Dr. O'Donnell got out of the car, he was struck by the fact that every light in Villa Madeira was on, the door was open, and the radio-gramophone was playing. There were four police officers in the house. Mrs. Rattenbury was by now extremely drunk. A constable, who had arrived at 3 o'clock, had observed then that Mrs. Rattenbury was under the influence of alcohol, but, as he put it, "to a mild extent." One has, of course, to realise that the police standard of drunkenness is very high; as Mr. Justice Humphreys phrased it—"drunk in the police sense seems to mean hopelessly drunk."

At 3.30, according to Dr. O'Donnell, Mrs. Rattenbury was past knowing what she was thinking or saying. Dr. O'Donnell, very shocked, turned off the radio-gramophone, and tried to explain to Mrs. Rattenbury the gravity of her husband's condition; but she could not take in what he was



## Rattenbury and Stoner.

saying. Inspector Mills agreed that Mrs. Rattenbury was more under the influence of drink than when he had seen her at 2 a.m. He said to her: "Your husband has been seriously injured, and is now in the nursing home." To which Mrs. Rattenbury replied: "Will that be against me?" Inspector Mills then cautioned her, and apparently was satisfied that she understood the meaning of the caution. Then she made a statement. "I did it. He has lived too long. I will tell you in the morning where the mallet is. Have you told the Coroner yet? I shall make a better job of it next time. Irene does not know. I have made a proper muddle of it. I thought I was strong enough." Dr. O'Donnell, who considered that Mrs. Rattenbury was unable to understand what was said to her, or to know what she was saying, pointed out that she was in no fit condition to be asked anything, and took her up to bed. He administered half a grain of morphia—a large dose—and went downstairs again. After a few minutes he went into the sitting-room and found that Mrs. Rattenbury had managed to get downstairs again and was again being questioned by the police. Inspector Mills said to her: "Do you suspect anyone?" and she replied: "Yes. I think so. His son."

Dr. O'Donnell, who was aware that Mr. Rattenbury's son lived abroad, knew that Mrs. Rattenbury had no idea of what she was saying, and he said to the Inspector: "Look at her condition—she is full of whisky, and I have just given her a large dose of morphia. She is in no condition to make any statement." He then took her by the arm and helped her upstairs again. Then (it was by now after 4 a.m.), Dr. O'Donnell went home. At 6 a.m. Inspector Carter arrived at the house, where some members of the police had remained all night. He went into Mrs. Rattenbury's room and stated in evidence that she woke up. This was not unnatural, in view of the fact that the police had been in that very tiny house all night, perpetually going up and down stairs. Inspector Carter realised that Mrs. Rattenbury was ill, and in no fit condition to make a statement, and he told Miss Riggs to prepare some coffee. When the coffee came the saucer shook

## Introduction.

so in Mrs. Rattenbury's hand that she could not hold it. She managed to swallow it, but retched and said that she wanted to be sick. The Inspector telephoned for a police-matron, who arrived and helped Mrs. Rattenbury downstairs to her bath and helped her to dress. This matron was not called as witness, but it is reasonable to conclude that she thought Mrs. Rattenbury a sick woman. Yet, according to Inspector Carter, Mrs. Rattenbury, who had been drinking steadily from about 11 o'clock the night before till 3.30 in the morning (quite undeterred by the police), who had then been given half a grain of morphia which she had not been allowed to sleep off, was by 8.15 competent to make a statement! The statement which she then made to him, after being duly cautioned, and which he wrote down in his notebook, read as follows: "About 9 p.m. on the 24th March I was playing cards with my husband when he dared me to kill him, as he wanted to die. I picked up a mallet and he then said: 'You have not the guts to do it!' I then hit him with the mallet. I hid the mallet outside. I would have shot him if I had had a gun." Inspector Carter deposed that Mrs. Rattenbury read the statement over aloud and clearly and then signed it. He then took her to Bournemouth Police Station, where she was charged. Before she left the house she had a moment alone with Miss Riggs and said: "You must get Stoner to give me the mallet." This is important, and it will be found, on reading Mrs. Rattenbury's progressive statements all through the night, that, even in her befogged condition, there was one thread of continuity—a desire to help Stoner, and to get hold of the mallet with which he told her he had hit Mr. Rattenbury, and then hidden in the garden. At the Police Station, about 8.45, Mrs. Rattenbury was formally charged, and said: "That is right. I did it deliberately, and would do it again." The police did not, at the hearing at Petty Sessions, mention the fact that Mrs. Rattenbury had been drunk, and Mr. Rooke, noticing this omission, communicated the fact to Mrs. Rattenbury's solicitors. Had it not been for Mr. Rooke and Dr. O'Donnell, the fact that Mrs. Rattenbury had been in no fit

## Rattenbury and Stoner.

condition to make a statement, to know what was said to her, or to know what she herself was saying, would not have been given in evidence. Mr. O'Connor, in his cross-examination of Inspector Carter, said: "Dr. O'Donnell has told us in his evidence that no reliance can be placed on any statement made by Mrs. Rattenbury at 8.15 in the morning." "No," agreed the Inspector. "Do you say she was normal at 8.15?"—"Yes. She was not normal when she first woke up, but I waited till 8.15." "Do you know that the medical officer at Holloway Prison has reported that she was still under the influence of drugs three days later?"—"He has never reported it to me." "Is your evidence to the jury that, from the time you began to take her statement until she left your charge, she did not appear to you to be under the influence of drugs?"—"She did not." "Not at any time?"—"Not at any time." Yet Mrs. Rattenbury was, during the whole of the time Inspector Carter had to do with her, *non compos mentis* from morphia!

Later in the trial Mr. Justice Humphreys, turning over the pages of Inspector Carter's notebook, was struck by the fact that there was an entry that had not been put in evidence. This consisted of a statement that Mrs. Rattenbury made directly she woke up at 6 o'clock. The learned Judge drew Mr. O'Connor's attention to the fact that there was something which had not yet been observed in the notebook. Mr. O'Connor was handed the notebook, read the entry through to himself, and expressed his gratitude to the learned Judge. Indeed, Mr. Justice Humphreys had made one of the most important points for the defence that were made in the case, as was shown when Inspector Carter was recalled to the box.

*By the Judge:* "Did Mrs. Rattenbury make any statement to you about this alleged crime before 8.15?"—"No statement to me, my lord. Mrs. Rattenbury said the words that I have written in that book, while she was lying on the bed, directly she woke up. I did not put them down in statement form. I did not refer to it in my evidence for this reason. When Mrs. Rattenbury woke up, I said in my evidence that, in my opinion, she was not then in a normal

## Introduction.

condition and I did not caution her, and for that reason I made no reference at all to these remarks that I put down in my book that she said. That is why I omitted to say anything at all about it in my evidence in chief. I was not entitled, in my opinion, to give anything in evidence if I had not previously administered a caution, and, in my opinion, she was not in a condition normally to make a statement." *By the Judge*: "Then in your opinion she was not in a condition to make a statement at 6.15?"—"At 6.10, no, my lord." *By the Judge*: "Then what was said at that time was something said by a woman who was not in a condition to make a statement that can be acted upon?"—"Not in my opinion, my lord."

There was no doubt that Inspector Carter was actuated by an admirable sense of fair play, and the learned Judge, in his summing up, said: "I think there is no ground for complaining of his conduct or saying that he acted improperly here, although, I think, he was mistaken . . . he made a mistake in not informing the Director of Public Prosecutions that that statement had been made by the accused, and that he had it in his notebook. It is not for the police officers to decide . . . what is admissible in evidence and what is not, or what should be given or what not. Their duty is to give all material to the authorities, and let them decide." Now, the important point about the first entry in Inspector Carter's notebook—the entry he did not put in evidence, that he wrote at 6.15—and the one which he wrote down after cautioning her at 8.15, is this, the two statements are practically identical. At 6.15 when, according to Inspector Carter, she was not fit to make a statement, she said: "I picked up the mallet and he dared me to hit him. He said 'You have not guts enough to do it.' I hit him. I hid the mallet. He is not dead, is he? Are you the Coroner?" At 8.15 she said: "He dared me to kill him. He wanted to die. I picked up the mallet, and he said 'You have not guts enough to do it.' I hid the mallet outside the house." It will be seen at once that, with the exception of the words, "He is not dead, is he? Are you

## Rattenbury and Stoner.

the Coroner?" the statements are the same, except that at 8.15 she used the word "kill," and at 6.15 the word "hit." To put it concisely: she made the same statement when, according to the Inspector, she was fit to make a statement, that she had made two hours earlier, when even he had considered her totally unfit! It was to all intents and purposes the same statement. The importance of this is obvious—Mrs. Rattenbury no more knew what she was saying at 8.15 than she did at 6.15, and the second statement was of no more value than the first. At one o'clock of that day, when Dr. O'Donnell saw her at the police station, he says she was supported into the room, that she could not stand without swaying, that she looked dazed, and had contracted pupils as a result of the morphia. Three days later Dr. Morton of Holloway Prison considered that she was still suffering from "confusion of mind, a result of alcohol, and possibly a large dose of morphia. She kept repeating the same sentences over and over again." From the 28th March she was better and appeared to have forgotten what she had said and how she behaved on the previous days since her reception. It is perfectly obvious that police officers are not fit judges of when a person is under the influence of morphia or not. There is no reason why they should be. But they are judges of drunkenness, and Mrs. Rattenbury should not have been allowed to go on drinking, or have been questioned during the Sunday night. Dr. O'Donnell, as the learned Judge pointed out, knew much more of these matters than the police officer, and much later on Monday, after she had been taken to the Police Court, he declared that it would still be unsafe to attach any importance to anything that Mrs. Rattenbury said.

Now Mrs. Rattenbury was not used to drugs, in spite of suggestions made to the contrary; she had, indeed, a horror of drugs, and the only time previously in her life that any had been administered to her was when Dr. O'Donnell in July, 1934, had administered a quarter of a grain of morphia, when she was ill and excited. On that occasion she was allowed to have her sleep out, and she had indeed slept

## Introduction.

for some twelve hours. When the stronger dose of half a grain of morphia was given to her on the night of Sunday, 24th March, she had no chance of sleep. It is not suggested for a moment that the police tried to awaken her. But Villa Madeira is a tiny house. Stoner and the police were up and down and about it all night long. Now, anyone who has had to have morphia knows that if he is not allowed to sleep off the effects his condition is far worse than if it had never been administered. This was the case with Mrs. Rattenbury, and, according to the experienced Dr. Morton, she still was suffering from the effects of the morphia three days later. Many people felt that even if Mrs. Rattenbury did not know what she was saying when she was drunk and when she was drugged, yet what she said came from her subconscious self, and hence was true. This is an error, as any doctor knows. What does come through all her statements, if they are carefully analysed, is her anxiety for Stoner, and her wish to take the blame. Another strong point for the defence, besides the undoubted one that Mrs. Rattenbury was quite unfit to make statements, was the complete blank in her memory when she emerged from her drugged state into ordinary consciousness at Holloway Prison. Mrs. Rattenbury remembered nothing from the time when she began to drink after discovering her wounded husband, until the 28th March at Holloway Prison. Many people, as a result of drinking, "pass out" as it is called. Mrs. Rattenbury did so, and the result of the morphia's effect being thwarted, was that she stayed "out" for a very long time. Mrs. Rattenbury remembered nothing from when she first became drunk on the Sunday night. As far as her mind was concerned, she knew nothing about the interrogations, nothing about the injection of morphia, nothing about the police-matron having helped to get her up. She did not remember being taken away from Villa Madeira in a car by the police; the only thing that swam up at all in her recollection was Stoner's farewell kiss in her room, and the face of little John at her door. Mr. Croom-Johnson, in cross-examination, asked her: "About conversations, your mind is a complete blank?"—

## Rattenbury and Stoner.

"Absolutely." "About incidents?"—"Yes. It might be somebody else you are talking about." "Is your mind a complete blank about making the statement to Inspector Carter which he wrote down in this little book?"—"I cannot remember that. I have tried and tried and tried yesterday, and last night I tried to remember again." The notebook was handed to her, and Mr. Croom-Johnson asked her whether the signature at the bottom of the statement was hers, and she said that it was. "It is my signature, but I do not remember it." Now it is natural for the layman to feel that loss of memory is a convenient form of defence, but Mrs. Rattenbury could not have deceived medical men as highly trained and as astute as Mr. Rooke, Dr. O'Donnell, and Dr. Morton—the last-named accustomed to all the tricks of delinquent women.

The prosecution took the unusual step of allowing the defence to recall one of the Crown witnesses, Mr. Rooke, and this courteous gesture was a great help to Mrs. Rattenbury. Mr. Rooke deposed that in his experience patients often talked long and lucidly when under morphia, but when the effects of the drug had worn off their minds were a complete blank regarding anything they had said. When it is considered that Mrs. Rattenbury was not only suffering from the morphia, but that before the morphia had been administered she had temporarily lost her mind through drink, I think it is clear that no reliance can be placed on anything that she said.

Mrs. Rattenbury was removed to Holloway Prison in London, and Stoner and Miss Riggs were left in the house at Manor Road. But Miss Riggs had no intention of being left alone with Stoner. She knew that Mrs. Rattenbury was innocent, not only of striking the blows, but of complicity in the assault. One of Mrs. Rattenbury's most striking characteristics was her horror of cruelty. She could not have hurt anything. Therefore Irene Riggs thought that either a burglar had broken in, or that Stoner must have been Mr. Rattenbury's assailant. Irene's mother and brother moved into Villa Madeira and stayed there with her until Stoner was arrested on Thursday, 28th March. The story of those

## Introduction.

days between the commission of the crime and the arrest of Stoner is a curious one. Dr. O'Donnell had been asked by relations of Mr. Rattenbury to keep Villa Madeira under his eye, and the Doctor accordingly called there on the Monday, Tuesday, Wednesday, and Thursday. On the three first days he tried to see Miss Riggs alone, but found it impossible as Stoner did not leave them. On Wednesday Miss Riggs was nearly distracted with anxiety, and felt she must talk about the case to someone. She still felt herself the custodian of Mrs. Rattenbury's secret love affair, and she never discussed her even with her relations. Although not a Catholic, she went to see a priest, because she knew that what she told a priest would be safe. She came back at about 10.30 that night and her mother opened the door to her. Mrs. Riggs told her that Stoner was very drunk, that he had been going up and down the road, shouting "Mrs. Rattenbury is in jail, and I've put her there." He had been brought back by two taxi drivers. Irene Riggs telephoned to the police and two plainclothes men arrived. Stoner was in bed and seemed very drunk. This was very unusual for him, for he not only never drank himself, but objected to Mrs. Rattenbury drinking, and had a good influence on her in this respect. On the morning of Thursday, 28th March, Dr. O'Donnell called at Villa Madeira. Irene Riggs opened the door. It had always been Stoner who had opened it up to then. Dr. O'Donnell asked where Stoner was, and she told him that he had gone to Holloway to see Mrs. Rattenbury. Dr. O'Donnell then said that Mrs. Rattenbury was the best mistress that Miss Riggs had ever had, or that she was ever likely to have, and if there was anything she could tell the police, it was her duty to do so. Poor Miss Riggs, still loyal to her employer, said she could not let Mrs. Rattenbury's secret out, but Dr. O'Donnell very sensibly said that a secret was nothing when a life was at stake. He pointed out that if she was put in the witness-box, and then had the story of Mrs. Rattenbury's liaison dragged out of her, she herself would be implicated if she had concealed her knowledge. He asked Miss Riggs whether she thought Mrs. Rattenbury had murdered her husband, and



## Rattenbury and Stoner.

Irene Riggs replied: "I know she did not do it." Dr. O'Donnell asked her how she knew, and she replied that Stoner had confessed it to her. He had told her that there would be no finger prints on the mallet as he had worn gloves. Dr. O'Donnell rang up Bournemouth Police Station, and said that Miss Riggs wished to make a statement, and that Stoner had confessed to her. Dr. O'Donnell added that Stoner had left for London, and that no time should be lost in taking Irene Riggs's statement. At 2.30 the police arrived and Irene Riggs told them what she knew. Stoner was arrested at the station on his return to Bournemouth that evening, and this time the charge was murder, for Mr. Rattenbury had died.

The very fact that both Stoner and Mrs. Rattenbury refused to inculcate each other was a source of great difficulty to their defenders. Stoner further complicated his counsel's very difficult task, by injecting into his defence the curious suggestion that he was a cocaine addict, which there was no evidence to bear out, and which Mr. Justice Humphreys disposed of in no uncertain fashion in his summing-up. The Judge pointed out that there was one human being, and one only, who knew whether Stoner was in the habit of taking cocaine, and whether he took it on the afternoon of Sunday, 24th March, and that was Stoner himself. Stoner was an available witness, and had he wished to prove that he had ever taken cocaine, or was under the influence of cocaine, he could have gone into the box to say so. "What," remarked the learned Judge, "seems to me in the circumstance of this case a fact of the utmost significance, is that Stoner prefers not to give evidence." Stoner had told Mrs. Rattenbury a long time before the murder that he took drugs. She was so worried about this that she confided it to Dr. O'Donnell, although she was not at all sure—for in spite of her headlong infatuation she had a certain shrewdness—that Stoner had not invented the whole thing so as to make himself interesting to her. Dr. O'Donnell, at Mrs. Rattenbury's request, had interviewed Stoner and asked him what drug he was taking. Stoner told him that it was cocaine, and that he had found it in his father's house. To anyone who had seen Stoner's father in

## Introduction.

the witness-box, the suggestion was not only cruel, but absurd. Mr. Stoner was a self-respecting, honest, hard-working man. It detracts somewhat from what has been called the chivalry of Stoner's conduct that he should have been able to make such a suggestion about his father. Stoner was certainly not a drug addict. Whether he was a cinema addict I do not know, but this fantastic story might well have emanated from a cinema-nourished mind. Had he not confused his defence by insisting on this fairy tale, his counsel would have been able to present a much more sympathetic picture of a boy crazy with love and wild with unreasoning jealousy, who had hit without knowing what he did. The cocaine story was too far-fetched. When Stoner was asked to describe what cocaine looked like, he replied that it was brown with black specks in it, evidently describing the only sort of things he knew, such as household pepper or influenza snuff.

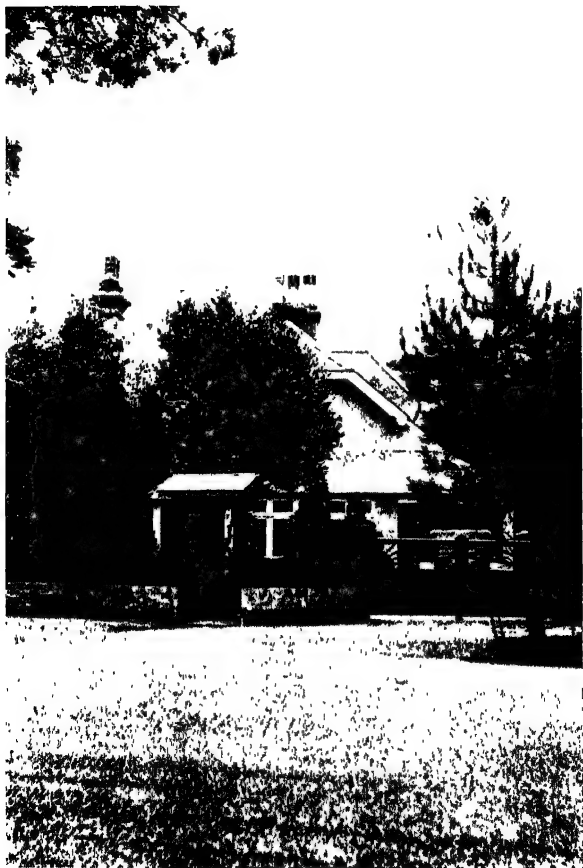
During the trial Stoner sat unmoved in his corner of the dock, with his elbow on the ledge, and his cheek on his hand. His eyes were downcast and his face remained immovable. Mrs. Rattenbury also was perfectly calm, but it was a frozen, and not an apathetic, calm. Her physical aspect changed, without any movement on her part, in a curious manner. By Friday she looked twenty years older than she had on Monday. On the last day even her hands changed colour, and were a livid greenish white. She was an excellent witness. Her voice was low and rich. She gave a great impression of truthfulness, and she was astonishingly self-controlled. Only a nervous tick in the side of her face, which jerked perpetually, betrayed the tension of her mind. Mr. R. Lewis-Manning, her solicitor, was impressed throughout all his conversation with her, by her veracity. He, as did Mr. O'Connor, felt a terrible responsibility. Mr. Lewis-Manning was certain that Mrs. Rattenbury was not pretending when for several weeks she insisted that she would not implicate Stoner, but preferred to hang rather than he should come to any harm. Unlike Mrs. Thompson, she had immense physical courage. It was the thought of her children, and what a fearful heritage would be theirs if she were found guilty, that eventually made her tell

## Rattenbury and Stoner.

the truth. It is easy to say that all this could have been a pretence on her part, but it would not have been easy, indeed, it would not have been possible for her to make this pretence appear the truth to Mr. Lewis-Manning and Mr. O'Connor.

The behaviour of a certain section of the press during the course of the trial, had it been made public, which for obvious reasons it was not, would have caused an uneasy feeling in the public mind. Someone engaged in the case was telephoned to on the Monday when the case opened, and offered £500 as his "rake-off," if he would get Mrs. Rattenbury to write her life-story. Then, as the unexpected angle that the case was assuming became visible, the press raised its offer. By Thursday this gentleman, engaged in the case, who was a man of honour, was offered £3500 as his "rake-off," and one paper was foolish enough to put this offer in writing! It is needless to say that none of the offers was considered for a moment, and would not have been if the wealth of the world had been offered.

Mr. Casswell was handicapped in his defence of his client Stoner, by the fantastic nature of the story which Stoner had told. Mr. O'Connor was in no such invidious position; he had a very clear notion of the mentality of his client, and he was able to give full play to his sympathetic interpretation of that mentality. There were cases, Mr. O'Connor pointed out, when the accused person had a record and history which might inspire the jury with a revulsion against that person's character. "It is in this case, perhaps," he continued, "that the task of the jury is most difficult of all—the task of separating from their minds the natural revulsion they feel against behaviour which nobody would seek to condone or commend. I am not here to condone, still less to commend, her conduct. I am not here to cast one stone against that wretched boy whose position there in the dock may be due to folly and self-indulgence on her part, to which he fell a victim." Mr. O'Connor went on to say that the jury must not imagine that the two defences had been arranged in concert—were connected in any way. Each defence was in its water-tight compartment. "I will say no more," continued Mr. O'Connor,



**Villa Madeira, Bournemouth**

## Introduction.

" about what is past in Mrs. Rattenbury's life. I would only say that if you may be tempted to feel that she has sinned, that her sin has been great and has involved others who would never otherwise have been involved, that you should ask yourselves whether you or anybody of you are prepared first to cast a stone." Having pleaded one of the greatest of speeches for the defence ever uttered—and the deathless words " cast a stone " sounded through a hushed Court—Mr. O'Connor went on to give a very good description of the mentality of the accused person who was not his client. He said of Stoner: " Can you doubt seduced; raised out of his sphere; taken away to London; given a very high time there; a lad who was melodramatic and went about with a dagger, violent sometimes, impulsive, jealous, his first love; a lad whose antecedents had been quiet, whose associations had been prosaic; never mixed with girls; flung into the vortex of this illicit love; unbalanced enough, and, in addition to all these things, either endeavouring to sustain his passion with cocaine or already an addict of drugs. You may as moral men and women, as citizens, condemn her in your souls for the part she has played in raising this position. She will bear to her grave the brand of reprobation, and men and women will know how she has acted. That will be her sorrow and her disgrace so long as she lives. You may think of Mrs. Rattenbury as a woman, self-indulgent and wilful, who by her own acts and folly had erected in this poor young man a Frankenstein of jealousy which she could not control."

Mr. Justice Humphreys's summing-up was a brilliant exposition of the law. There is no judge more capable of weighing evidence, and the right value was given to every piece of evidence that had come before the Court. But the Anglo-Saxon assumption, unfortunately, still is that women, whatever their circumstances, want to be married, and Mr. Justice Humphreys was no exception to this assumption. He spoke, in his summing-up, of the period (the " orgy ") which Mrs. Rattenbury and Stoner spent in Kensington. The learned Judge said: " Do you believe that while they were in London, the future was not discussed? What they were going

## Rattenbury and Stoner.

to do when they got back? Could life go on in the same way? Would not something have to be done with—or to—Mr. Rattenbury? Would he not ask 'What about my £250? How much did the operation cost you? Did you have the operation? If so, where? I hope you are better for it.' Or, if he was so callous and disinterested a husband that he would not be expected even to ask about the operation, at least as a mean man would not you expect him, and would not they expect him—that is the point—to make some inquiries about the money? Do you think that these two persons in London imagined that life could go on just the same after their return, after an absence of four days, as before?"

The learned Judge went on to quote Mrs. Rattenbury's account of the events of Saturday. He quoted Mrs. Rattenbury's evidence; "I think we played cards. I think it was just the same as any other night." The learned Judge asked: "Do you believe that? Do you believe that after an absence of four days Mr. Rattenbury never asked a question as to what happened in London?"

. Let us consider the history and mentality of these people as we know them through the medium of the trial. Ill-balanced as she was, Mrs. Rattenbury was a woman of the world. The last thing she would have wanted was to have married a chauffeur, twenty years younger than herself; she was—again to use a slang expression, but slang fits Mrs. Rattenbury's career—"sitting pretty." She had a kind husband who allowed her to live her own life. She had a young and ardent lover who satisfied her emotionally and physically. She had two children to whom she was passionately devoted. She was being supported as extravagantly as she could have hoped for, all the circumstances considered. She was, as she rather pathetically said in evidence, "happy then." For her husband, she had a maternal affection—it must be remembered that in all her loves Mrs. Rattenbury was essentially maternal. She spoiled and protected Stoner; she adored her children; she comforted her husband; she tried to give Irene Riggs as good a life as possible; she was kind to every stranger who came within her gates. The one

## Introduction.

thing that would have been impossible to Mrs. Rattenbury, amoral, casual, unbalanced, and passionate as she was, would have been to have taken part in harming another human being. Mrs. Rattenbury, both as a humane woman and a completely amoral woman, did not desire her husband's death, and did not wish to marry her lover, and there is no evidence, and none was ever brought forward, that she had ever desired either of these things. The unfortunate Stoner, with a much simpler experience of life and with that adolescent urge to heroics, which is a hang-over from infantilism, could not see that there was no need for any drama of jealousy at all. The boundary line between drama and reality was obscure for him, and living entirely in an unintelligent world of crude emotion, he hit out almost blindly. And this gesture, conceived in an unreal world, materialised in a world of actual facts. Our prisons are of course full of sufferers from infantilism, and what goes on in their heads bears no relation at all to real life, as it has to be lived, though it could not possibly be said they were not sane.

The jury were out for forty-seven minutes, and they returned the only possible verdict to which they had been admirably directed upon the evidence. They found Mrs. Rattenbury not guilty, and Stoner, guilty, adding a recommendation to mercy. Mrs. Rattenbury stood immovable while the verdict of not guilty was returned, but when the foreman of the jury pronounced the word "guilty" in respect of Stoner, she gave a little moan and put out her hand. She was led away, and Stoner received his sentence without flinching. He spoke for the first time when asked by the Clerk of the Court whether he had anything to say why the Court should not give him judgment of death according to law, Stoner replied in a low voice "Nothing at all." He was then taken below, and Mrs. Rattenbury was brought back to plead to the accusation of being an accessory after the fact. She could not speak—she could not make any sound at all, her mouth moved a little and that was all. The Clerk of the Court informed the jury that the prisoner at the Bar had pleaded not guilty. The prosecution said that they proposed to offer

## Rattenbury and Stoner.

no evidence, and Mr. Justice Humphreys instructed the jury to return a verdict of not guilty, which they did. Mrs. Rattenbury was discharged.

Mrs. Rattenbury had an admirably fair trial. She was not, of course, bullied by the prosecution, as she would have been in France or the United States. In fact, Mr. Croom-Johnson could, even within the limits allowed to the Crown, have been more severe than he was. Mr. Justice Humphreys told the jury unmistakably that even though they might feel they could not possibly have any sympathy for the woman, it should not make them any more ready to convict her of the crime. It should, if anything, make them less ready to accept evidence against her. This is admirable, and in the best tradition of the English law. Unfortunately, there is a custom in the Courts that is not nearly so admirable, to animadvert upon the moral qualities, or lack of them, in a person accused of a crime. I am, of course, using the word merely in the only sense Anglo-Saxons seem to use it, with reference to sexual morality. Mrs. Rattenbury, at the time that the learned Judge was making his remarks about her moral character, was a woman at the extreme edge of what it was possible to bear and go on living. But she had to listen to the dread voice of the Judge, as he said: "Members of the jury, having heard her learned counsel, having regard to the facts of this case, it may be that you will say that you cannot possibly feel any sympathy for that woman; *you cannot have any feeling except disgust for her.*"\* More could hardly be said of George Joseph Smith, or of a systematic poisoner, or a baby-farmer.

This may show a very lofty and moral viewpoint, but we are often told that a criminal Court is not a court of morals. In this trial apparently it was. And strange as it may seem, there are some of us, though apparently regrettably few, who are so constituted that we cannot see a fellow-human in the extreme of remorse, shame and despair, without feeling pity as well as disgust. Indeed, it is quite possible for the disgust to cease to exist because of the overwhelming nature of the pity. Mrs. Rattenbury was in some ways a vulgar and a

---

\* Italics mine.—Ed.



## Introduction.

silly woman, but she was a generous, kindly, lavish creature, capable of great self-sacrifice. She was innocent of the crime of which, entirely on the strength of her own drunken maunderings, she was accused, but, nevertheless, though her life was handed back to her, it was handed back to her in such a shape that it was of no use to her. "People"—that dread judgment bar of daily life known as "people"—would always say: "Of course she told him to do it. And, anyway, she was a dreadful woman." For the world has progressed very little since Ezekiel wrote: "And I will judge thee as women that break wedlock and shed blood are judged, and I will give thee blood in fury and jealousy." Such was the judgment of society on Mrs. Rattenbury, and she knew it.

Her husband's relatives took her away with them, but the press besieged the flat where they gave her refuge. The doctor who had been called in to attend her, removed her to a nursing home, pursued by newspaper men, one of whom called out to the doctor escorting her: "If you take her to Bournemouth we'll follow you." A horrible example of what the demands of his newspaper can do to a young man who probably started as a decent human being.

Mrs. Rattenbury was by now very ill, physically and mentally. And, in her fear and grief for Stoner, in her misery for her children, in her remorse and shame, she wanted to be alone. She left the nursing home; and of what she did during the nightmare hours that followed we only know from the tragedy that followed. She must have bought a knife and taken a train down to that part of the world where she had been happy in what was stigmatised as an "adulterous intercourse." And there, beside the placid waters of a little stream, she sat and wrote, feverishly and passionately, on the backs of envelopes and odd bits of paper, the reasons for the terrible deed that she was about to do. She referred to the assumption that she dominated Stoner, and declared that no one could dominate him, and that whatever he wanted to do he always did. She repeated that if she had not been made to tell the truth, she would never have given Stoner away. She complained about the press dogging her footsteps,

## Rattenbury and Stoner.

and she wrote of the scathing attack on her character. How, indeed, was it possible for her ever to make a home for her little boys, to watch them at play, to invite other children to play with them? She must have known it would be worse for her children if she lived than if she died. Her writing finished, she thrust the knife six times into her breast. The blade penetrated her heart thrice. She fell forward into the water, dead. When an ancient Roman killed himself, he inserted the tip of the sword between two ribs, and fell upon it; he called it "falling upon his sword." He knew that the shrinking of the flesh was such that it was almost impossible to drive a knife steadily into the breast. Mrs. Rattenbury drove it in six times.

The Rattenbury case had revealed a strange and unlovely mode of life, but the woman's last act raised it sharply to higher issues. Most people in England, especially women, seem easily able to feel superior to Mrs. Rattenbury. She had had "adulterous intercourse"; she had taken for her lover a boy, young enough to be her son; and the boy was a servant. That out of this unpromising material she had created something that to her was beautiful and made her happy, was unforgivable to the people of England. Her life had been given back to her, but the whole world was too small a place, too bare of any sheltering rock, for her to find a refuge.

Stoner lost his appeal, but he was reprieved, and the sentence of death commuted to penal servitude. Blind and muddled humanity had been even more blind and muddled than usual, and everyone concerned had paid a terrible price for the sin of lack of intelligence.

## Leading Dates in the Rattenbury and Stoner Case.

- "Seven or eight years ago"—  
Mrs Rattenbury.      Mr. and Mrs. Rattenbury married.
1928.      Mr. Rattenbury retired and came from Canada to live in Bournemouth.
1931.      Irene Riggs engaged by Mrs. Rattenbury as companion-help.
- 9th July, 1934.      Mrs. Rattenbury sent for Dr. O'Donnell at midnight. She told him Mr. Rattenbury had left the house threatening suicide. She had a black eye and a cut over her eye, and was much distressed. (Quarter of a grain of morphia administered by Dr. O'Donnell, the first of the only two occasions on which he gave her morphia.)
- September, 1934.      Stoner engaged as chauffeur-handyman. At first he lived out. About
- November, 1934.      He took up residence in the house.
- 22nd November, 1934.      Stoner first had intercourse with Mrs. Rattenbury. Mrs. Rattenbury said it was before he began living in the house.
- 18th March, 1935.      Mr. Rattenbury's cheque for £250 paid into Mrs. Rattenbury's account, which was considerably overdrawn. Cheque drawn for £50 which Stoner took to the bank and cashed.
- 19th to 22nd March.      The "orgy" at the Royal Palace Hotel. They return to the Villa on Friday evening, 22nd.
- 24th March, 1935.  
4 o'clock p.m.      Irene Riggs leaves 5 Manor Road.
- 4.30-5.30.      (Mrs. Rattenbury's story) She had tea with her husband upstairs in her bedroom. Stoner served tea. Mr. and Mrs. Rattenbury had a discussion about a book Mr. Rattenbury was reading.
7.      Mr. Rattenbury was depressed and gloomy. His wife suggested going to Bridport the next day, and telephoned to Mr. Jenks accordingly. While she was telephoning Stoner came into the room with "a revolver in his hand." He was angry and said he would kill her if she went to Bridport. "He accused me of living with Mr. Rattenbury that afternoon with the bedroom door closed."
- 7.45.      Mrs. Rattenbury put the boy John to bed.

# Rattenbury and Stoner.

- 8 to 8.30. (Evidence of his grandparents) Stoner called at 109 Pine Vale Crescent, Ensbury Park (their house), and borrowed a mallet.
- Before 9.30. (Resuming Mrs. Rattenbury's story) She let her dog Dinah out and closed the french window.
- Nine-thirty. She went to bed. Later, after she had been to see Riggs, Stoner came into her bedroom: "told me he had hurt Ratz." (Note—apparently she spelt it like this.) She went down to the drawing-room.
- 10.15. Irene Riggs returned to the Villa.
- 10.45 or 11. Mrs. Rattenbury went into Riggs's room, and retired to her own room about ten minutes later. Then, after ten more minutes, Irene Riggs heard Mrs. Rattenbury call "Irene." She went down into the drawing-room.
- 11.30. Riggs telephoned for Dr. O'Donnell and called Stoner.
- 11.45. Dr. O'Donnell arrived at 5 Manor Road. He telephoned for Mr. Rooke.
- 25th March.  
12.5 a.m. Dr. Rooke came.
- Before 1. They took Mr. Rattenbury to the nursing home. Telephoned the police.
2. Police arrived at 5 Manor Road.
- 3.15. Dr. O'Donnell left the nursing home and returned to Manor Road.
4. Mrs. Rattenbury given half a grain of morphia and put to bed.
6. Inspector Carter, two other policemen, and Riggs present when Mrs. Rattenbury woke up.
7. The police-matron came. Mrs. Rattenbury given a bath.
- 8.15. Inspector Carter found her in her bedroom, dressed and "normal," and took a statement from her. He took her to the police station.
- 1 p.m. Dr. O'Donnell saw Mrs. Rattenbury at the police station.
- 26th March. Irene Riggs went with Stoner to Wimborne on business.
- 27th March. Riggs left 5 Manor Road during the evening and returned at 10.30. Stoner, who appeared to be drunk, told her that Mrs. Rattenbury was in jail, that he had put her there, and that he was going up the following morning to see her and give himself up. .

## Leading Dates.

28th March.	Stoner left the house about ten minutes to seven in the morning, and returned ten minutes afterwards. He left again soon afterwards.
„	Mrs. Rattenbury wrote to Stoner from Holloway the "Please write to me. This is the third letter I have written" letter.
„	Death of Mr. Rattenbury.
„	Stoner arrested.
18th April.	Letter written to Riggs from Holloway Prison "S's feelings must take some weighing up."
27th May.	First day of trial.
31st May.	Stoner convicted and sentenced to death.
3rd June.	Mrs. Rattenbury commits suicide.
6th June.	"Suicide while of unsound mind."
24th June.	Stoner's appeal dismissed.
25th June.	Stoner reprieved.

■

■

THE TRIAL  
WITHIN THE  
CENTRAL CRIMINAL COURT  
OLD BAILEY, LONDON,  
MONDAY, 27<sup>TH</sup> MAY, 1935.

---

*Judge—*  
MR. JUSTICE HUMPHREYS.

---

*Counsel for the Crown—*  
MR. R. P. CROOM-JOHNSON, K.C.  
MR. ANTHONY HAWKE.  
(Instructed by the Director of Public Prosecutions.)

---

*Counsel for the Prisoner Alma Victoria Rattenbury—*  
MR. T. J. O'CONNOR, K.C.  
THE HON. EWEN MONTAGU.  
MR. MIDFORD.  
(Instructed by Messrs. Other, Manning & Boileau-  
Tredinnick, Solicitors.)

---

*Counsel for the Prisoner George Percy Stoner—*  
MR. T. J. CASSWELL.  
(Instructed by Mr. E. W. Marshall Harvey.)





## First Day—Monday, 27th May, 1935.

AN USHER OF THE COURT—If any one can inform my Lords, the King's Justices, or the King's Attorney-General, ere this inquest be taken between our Sovereign Lord the King and the prisoners at the bar, of any treasons, murders, felonies, or misdemeanours, done or committed by the prisoners at the bar, let them come forth, and they shall be heard; for the prisoners now stand at the bar on their deliverance. And all persons who are bound by recognizance to prosecute or give evidence against the prisoners at the bar, let them come forth, prosecute, and give evidence, or they shall forfeit their recognizances. God save the King."

THE CLERK OF THE COURT—Alma Victoria Rattenbury and George Percy Stoner, you are charged with the murder of Francis Mawson Rattenbury on 28th March last. Alma Victoria Rattenbury, are you guilty or not guilty?

THE PRISONER RATTENBURY—I plead not guilty.

THE CLERK OF THE COURT—George Percy Stoner, are you guilty or not guilty?

THE PRISONER STONER—I plead not guilty.

(One juror was duly sworn.)

MR. CASSWELL—My lord, there is one application which I think I should make to the Court before the jury is sworn, which is that these two persons be tried separately.

MR. JUSTICE HUMPHREYS—It would have been better if you had made it before any of the jury were sworn. I will hear your application now. Which accused do you appear for?

MR. CASSWELL—I appear for the accused Stoner. It is an application which perhaps had better be made in the absence of the jury.

MR. JUSTICE HUMPHREYS—Well, if you think so.

(The jury retired.)

MR. CASSWELL—My lord, my application is that in this case the accused should be tried separately, and it is for this reason. If your lordship would be good enough to look at the last piece of additional evidence of which notice has been given, it consists of a letter, dated 18th April, written by the accused Rattenbury from Holloway Prison. The part of it I would like to refer your lordship to is the part beginning "S.'s feelings must take some weighing up." In my submission, that shows a distinct intention

## Rattenbury and Stoner.

to throw the responsibility upon the other accused. This document, if the prosecution were to rely upon it in any way, cannot be evidence against the other accused, but if it is brought out it may have a very bad influence upon the minds of the jury, and it would be difficult, in my submission, to disabuse their minds of it.

Mr. JUSTICE HUMPHREYS—It appears to be in that respect in the same category as would be the rest of the documents. There are a number of statements in this case made by one accused in the absence of the other, which I shall have to tell the jury at the proper time would not be evidence against the other accused.

Mr. CASSWELL—There is that statement in which there is the suggestion by the accused Rattenbury that she throws the responsibility on my client. It is, in my submission, strictly not evidence against anyone; it cannot be said that it is a confession, and it cannot be evidence against my client.

Mr. JUSTICE HUMPHREYS—Are you asking me to exclude the evidence now?

Mr. CASSWELL—Either to exclude it or to grant a separate trial if my learned friend, Mr. Croom-Johnson, intends to rely upon it.

Mr. JUSTICE HUMPHREYS—Mr. O'Connor, you appear for whom?

Mr. O'CONNOR—I appear for Mrs. Rattenbury.

Mr. JUSTICE HUMPHREYS—Do you want to take any part in this application?

Mr. O'CONNOR—My lord, separate trials are a matter for your lordship's discretion. The matter has been considered in a very large number of cases, and if there were any case in which a strong application could be made for a separate trial, especially by the accused Stoner, in my submission, this is the case.

Mr. JUSTICE HUMPHREYS—Are you supporting this application or opposing it, or taking no part in it?

Mr. O'CONNOR—My lord, I do not oppose the application.

Mr. JUSTICE HUMPHREYS—Mr. Croom-Johnson, I must ask you one question. Are you proposing to use this piece of additional evidence?

Mr. CROOM-JOHNSON—My lord, the difficulty that I feel about it is this: those who instruct me feel that this letter having been written, the manifest thing to do was to call the attention of those who represent each of the accused to that fact. In my respectful submission, it is no different from the other evidence in this case. Your lordship, I have no doubt, if I may say so with respect, will direct the jury upon that, and, indeed, I had in mind saying something myself to the jury when I came to open the case, but it is entirely in your lordship's discretion.

Mr. JUSTICE HUMPHREYS—No, Mr. Croom-Johnson, it is for you to decide whether any particular matter brought to my attention is admissible in evidence or not. It is not for a judge to

## Opening Speech for the Crown.

advise either side how they should conduct their case, but all the cases here, both Crown and defence, are in the hands of able and experienced counsel. I much rather prefer to leave them to conduct the case themselves, and I am in a position, so to speak, of an umpire, not a person representing any side. Very well, I am much obliged. I see no ground for directing that there should be separate trials in this case. The only matter which is relied upon by Mr. Casswell is a letter written by the female accused to one of the witnesses, in which she mentions the name of the other accused. When that letter is tendered in evidence, I will rule whether it is evidence or not, but in any event such a document can, in my judgment, form no ground for granting the application for a separate trial.

(The jury returned to Court and the eleven jurors who had not been sworn were duly sworn.)

THE CLERK OF THE COURT—Members of the jury, the prisoners at the Bar, Alma Victoria Rattenbury and George Percy Stoner, are charged with the murder of Francis Mawson Rattenbury on 28th March last. To this indictment they have separately pleaded not guilty, and it is your charge to say, having heard the evidence, whether they or either of them be guilty or not.

## Opening Speech for the Crown.

MR. R. P. CROOM-JOHNSON—May it please your lordship and members of the jury, the charge against the accused is that they murdered Mr. Francis Mawson Rattenbury, a retired architect, by an attack made upon him on 24th March at the Villa Madeira, 5 Manor Road, Bournemouth. [The learned Counsel describes the premises from a plan and photographs.] The accused Stoner was employed at that house as a chauffeur and handyman. Both Mr. and Mrs. Rattenbury had been previously married. By his first marriage Mr. Rattenbury had two children. He had been married many years ago, and both these children are now grown up. Mrs. Rattenbury had had a son by her first marriage, and by her marriage to Mr. Rattenbury she also had a son—a boy named John. He is now about six years of age. About 1928 Mr. Rattenbury, who had been working in Canada, retired and came to live in Bournemouth. In September, 1934, Stoner was taken into Mr. Rattenbury's employ. At first he appears to have lived outside, but shortly afterwards he took up residence in the house. On 24th March, therefore, the people living at the Villa Madeira were Mr. and Mrs. Rattenbury, Miss Irene Riggs, who was employed as a companion-help to Mrs. Rattenbury, Stoner, and the boy John.

# Rattenbury and Stoner.

Mr R. P. Croom-Johnson

Apparently Mrs. Rattenbury had a banking account of her own. It was fed from time to time by payments into it, usually of round sums like £40 or £50, from Mr. Rattenbury's account. On 18th March last her account was substantially overdrawn. For some reason, on 18th March, a sum of £250, much in excess of anything paid in for some time, was paid into Mrs. Rattenbury's account from Mr. Rattenbury's account, and on the same day Mrs. Rattenbury drew a cheque for £50, which Stoner took to the bank and cashed. The next day Mrs. Rattenbury and Stoner came to London, and stayed in adjoining bedrooms in the Royal Palace Hotel, Kensington, passing as brother and sister. They went shopping, and Mrs. Rattenbury purchased a large number of articles, apparently for Stoner, including pyjamas, underclothing, suits of clothes, and boots, and Stoner also purchased for himself a diamond ring for £15 10s., while at the same time Mrs. Rattenbury appears to have given him a gold watch.

It is the submission of the prosecution in this case that the relationship between Mrs. Rattenbury and Stoner had ceased to be that of the wife of the employer and the man employed but had become an adulterous intercourse. On their going back to the Villa Madeira, where Mr. Rattenbury, the somewhat elderly husband, was residing, the situation was likely to be one of some difficulty, and the prosecution submits that Mr. Rattenbury stood in the way of their indulgence in this guilty passion. But, coming to the 24th March, the day on which Rattenbury was injured, you will hear from the evidence that the injuries to him were inflicted with a mallet which was borrowed on that evening. Miss Riggs, the companion-help, had gone out of the house that afternoon about four o'clock; she did not return until 10.15 in the evening, and it is submitted that, somewhere between these times, the crime was committed. A few moments after Irene Riggs returned from her day out, she went to her bedroom, and she saw Stoner leaning over the banisters looking down into the hall. He said he was looking to see that all the lights were out. Later, when going to the kitchen, Miss Riggs, in passing the drawing-room door, heard the sound of heavy breathing. The prosecution suggests that that was the heavy breathing of a man who had suffered the injuries you will hear about.

After Irene Riggs had got into bed, Mrs. Rattenbury came into her room and talked to her for about ten minutes or so, saying that she had arranged to go, apparently with Mr. Rattenbury, on the following day to visit a Mr. Jenks, who was a business friend of Mr. Rattenbury, living at Bridport. I suggest that Mrs. Rattenbury made these statements to Irene Riggs to prepare the notion, which was to be developed later, that some unknown person had come into the house and committed an assault upon Mr. Rattenbury, and that she knew nothing about it. Immediately afterwards, Mrs. Rattenbury went to her room and almost directly somebody was

# Opening Speech for the Crown.

Mr R. P. Croom-Johnson

heard going downstairs: it was Mrs. Rattenbury, because immediately afterwards she was heard calling "Irene, Irene!" Miss Riggs heard her cries, and she went downstairs. She found Mrs. Rattenbury in the drawing-room dressed in her pyjamas. Mr. Rattenbury was sitting in an armchair, and Miss Riggs noticed at once that he had what appeared to be a black eye. On the instructions of Mrs. Rattenbury, she telephoned for Dr. O'Donnell, and a little while afterwards she called Stoner down. He went off in the car with a view to fetching the doctor more quickly. Stoner, therefore, on this night—and I want you to appreciate the full force of this—from the moment he is seen leaning over the banisters is only on the scene for a few minutes comparatively late in the story, Mrs. Rattenbury apparently not having called Stoner, the man who in the circumstances you might have supposed she would have called if it were nothing more than a case of illness. But Stoner goes off to fetch the doctor. He is seen some time later asleep in the car, but, as far as the evidence for the prosecution goes, he does not return to the house again until 3.45 in the morning.

When Dr. O'Donnell arrived a good deal had already been done to remove traces of blood, Mrs. Rattenbury explaining that she desired to get rid of it because she did not want John to see it in the morning. There were three wounds on Mr. Rattenbury's head, and these three wounds had been caused by a heavy instrument. I suggest that the instrument which caused these wounds that Dr. O'Donnell found on Mr. Rattenbury's head was a mallet which Stoner had borrowed from the house of his grandparents by saying that he wanted to drive some pegs in the garden. The mallet had been borrowed that evening, and it was found in the garden next morning by a police officer. There were human hairs adhering to it and also a piece of skin. It is my duty to submit that there can be no doubt that the hairs found adhering to the mallet were hairs from the head of Mr. Rattenbury.

(Here a mallet was handed to counsel, who held it up for the jury to see.)

After examining the injured man, Dr. O'Donnell decided that it was a case for a surgeon, and he accordingly telephoned for a Mr. Rooke. It was while they were waiting for Mr. Rooke to arrive that Mrs. Rattenbury made the first of a series of statements. She was hysterical, and she held in her hand a tumbler of whisky and soda. The first thing she said, apparently, was, "Look at him. Look at the blood. Someone has finished him." She then told Dr. O'Donnell that she and her husband had spent a happy evening together planning a visit to Bridport, and that they had read a passage in a book about suicide. She said she went to bed early, and was awakened by a noise or cry, and she ran downstairs and

# Rattenbury and Stoner.

Mr R. P. Croom-Johnson

saw her husband in the chair. Now, at 2 a.m., after Mr. Rattenbury had been removed to a nursing home, Police-constable Bagwell arrived at the house and saw Mrs. Rattenbury. There is no doubt that she was then under the influence of drink. She certainly was very excited, but not incoherent, and she said to Police-constable Bagwell, "I was playing cards with my husband until nine o'clock. I then went to my bedroom. At about 10.30 I heard a yell, and came downstairs into the drawing-room. I saw my husband sitting in the armchair, and sent for Dr. O'Donnell."

After this Mrs. Rattenbury told Inspector Mills that she had heard someone groaning and found her husband unconscious, with blood flowing from his head. Inspector Mills thereupon noticed that the french windows were open, and he asked if they were open when she came downstairs for the first time. Her answer was, "No, they were shut and locked." If that is right it would preclude the possibility of a person with murderous intention having come in through the window to administer the blows and afterwards to escape through the window into the garden. A search of the garden was then made, but Police-constable Bagwell remained in the house, and while he was there Mrs. Rattenbury made another statement. She said, "I know who did it." The officer cautioned her, and Mrs. Rattenbury went on, "I did it with a mallet. It is hidden. Ratz (referring to her husband) has lived too long." She then corrected herself, and said, "No, my lover did it. I will give you £10. No, I won't bribe you."

It may be suggested that Mrs. Rattenbury was distraught and hysterical, that she had been drinking, and did not know what she was saying. At 3.30 Inspector Mills told her that Mr. Rattenbury's condition was critical, and she asked, "Will this be against me?" Having been cautioned by Inspector Mills, she said, "I did it. He gave me the book. He has lived too long. He said, 'Dear, dear.' I will tell you in the morning where the mallet is." She then added, "I shall make a better job of it next time. I made a proper muddle of it. I thought I was strong enough. Irene does not know." In the submission of the prosecution, if those words are right, blows were struck, according to this statement, by Mrs. Rattenbury, and the reason why they had not killed Mr. Rattenbury outright was that her physical strength was not sufficient. She was, when she made these statements, in a state of hysteria and semi-collapse, and the doctor thought it right to give her an injection of morphia. She was put to bed, but apparently came round later, and said, "I know who did it—his son." The inspector asked how old this son was, and she replied, "Thirty-two, but he is not here."

When Inspector Carter came to interview Stoner, the latter said that he was aroused that night by Mrs. Rattenbury shouting, and he came downstairs to find Rattenbury in the armchair with blood flowing from wounds in his head. At that time Stoner had no

# Opening Speech for the Crown.

Mr R. P. Croom-Johnson

idea that any statements had been made by Mrs. Rattenbury. Then there followed an interview between Inspector Carter, and Mrs. Rattenbury, and in the course of this interview she made a written statement which ran: "About 9 p.m. on Sunday, 24th March, 1935, I was playing cards with my husband when he dared me to kill him, as he wanted to die. I picked up a mallet. He then said, 'You have not guts enough to do it.' I then hit him with the mallet. I hid the mallet outside the house. I should have shot him if I had a gun." When Mrs. Rattenbury was leaving with Inspector Carter, she was met by Irene Riggs and Stoner, to whom she said, "Don't make fools of yourselves." Stoner replied, "You have got yourself into this mess by talking too much." Later, when charged at the police station, Mrs. Rattenbury said, "That is right. I did it deliberately, and would do it again."

Stoner was not arrested until 28th March, and meanwhile Mrs. Rattenbury was in Holloway Prison. On the 27th she wrote to Stoner from Holloway, saying, "I must see you, darling. Please write to me. This is the third letter I have written. Hope you receive this. I hardly know how to write now. Let me know how 'Ratz' is getting on. No more now. God bless you. My love be with you always, Lozanne." And there is this addition, "Have you talked with Dr. O'D. about how 'Ratz' is? Goodness. There is so much I want to know. Please ask Irene to give you a few bobbing pins for my hair. I think they will be allowed."

On 28th March, after Stoner had been arrested, he said to a police officer, "Do you know Mrs. Rattenbury had nothing to do with this affair?" The police officer cautioned him, and he then said, "When I did the job I believe he was asleep. I hit him and then went upstairs and told Mrs. Rattenbury. She rushed down then. You see, I watched through the french window, and saw her kiss him good-night, and then leave the room. I waited, and crept in through the french window, which was unlocked. Still, it ain't much use saying anything. I don't suppose they will let her out yet."

Ladies and gentlemen, it looks as though Stoner, having borrowed the mallet, which undoubtedly was the instrument used to inflict the head injuries, brought it back, naming some purpose or other, to the house, and it is the contention of the prosecution that one or other of the accused delivered a blow or blows at the head of Mr. Rattenbury; and, if that is right, the prosecution suggests for your consideration that these two people, Mrs. Rattenbury and Stoner, with one common object and one common design set out to get rid of Mr. Rattenbury, who, as I suggested earlier, stood in their way. That, members of the jury, is the contention of the prosecution in this case.

# Rattenbury and Stoner.

Harold R. Homewood

## Evidence for the Prosecution.

HAROLD ROBERT HOMEWOOD, examined by Mr. HAWKE—I am assistant to the Borough Engineer of the Bournemouth Corporation. On 26th March I went to 5 Manor Road, Bournemouth, the house where Mr. and Mrs. Rattenbury had been living, and I made a survey of the premises. I produce a plan which I made from that survey, Exhibit 1.

ARTHUR EDWARD PUNTER, examined by Mr. HAWKE—I am a constable in the Hampshire Constabulary. On 28th March I went to 5 Manor Road, Bournemouth, and took some photographs of the outside and inside of the house. I produce the positives which were taken from the negatives that I took. They are Exhibit 2.

FREDERICK CLEMENTS, examined by Mr. HAWKE—I am a retired police-sergeant and I live in Ensbury Park, Bournemouth. I have known the accused Stoner personally for four years. On the evening of Sunday, 24th March, I was walking down Redhill Drive, Ensbury Park, and I saw Stoner driving a dark saloon car. That was at 8 p.m. He was driving in a northerly direction when he passed me, about 100 yards from his parents' home. I noticed that he stopped his car outside his parents' house and got out of the car and went into the house. I know people called Mr. and Mrs. Stevens. They live in the same building; the houses adjoin. There are five different houses there. They live close to the house I saw Stoner going into, which is his parents' house. Mr. and Mrs. Stevens are Stoner's grandparents. I should think that Ensbury Park, Redhill Drive, would be about three and a half miles from 5 Manor Road.

Cross-examined by Mr. CASSWELL—Did you often see the accused Stoner before he went to Rattenbury's?—I used to see him almost daily, at least three or four times a week.

He was a decent and respectable boy, was he not?—Quite.

He bore the highest character?—Yes.

And you give him that character after knowing him, as you say, for four years, since he was about fourteen?—Yes, quite.

The Stoners' house faces the road in which you were, does it not?—Yes.

And is the Stevens's house, that is his grandparents' house, down that road which turns to the right?—It is the first house round the corner; Pine Vale Crescent is the name of it.

Do you know the geography behind these houses?—Yes.

Do you know where the workshop is behind?—Yes.

There is a passage by which anybody can go straight into that part without applying to anybody?—Yes, there is a gate, but it





*[Elliott & Fry*

**Mr. R. P. Croom-Johnson, K.C.**

## Evidence for Prosecution.

Frederick Clements

is not locked. It is usually closed. It leads to the back of Stoner's house.

What I am suggesting is that if anybody wanted to borrow a mallet, and did not want people to know that he was going to do it, his easiest way would be to walk through that gate and round the back rather than apply to anybody?—Yes, it is quite easy.

ELIZABETH AUGUSTA STEVENS, examined by Mr. HAWKE—I am the wife of Samuel Richard Stevens, and I live with him at 109 Pine Vale Crescent, Ensbury Park. The accused George Percy Stoner is my grandson. I saw him on Sunday, 24th March. He came to my house between eight and 8.30.

Did he say anything to you?—He said, "Mother, will dad lend me a mallet?" And I said, "Yes, dad will."

Did he say what he wanted it for?—To drive in some pegs as he was going to erect a tent.

You knew where the mallet was kept?—Yes, quite.

Did you go and get it?—I did.

Will you just look at it (shown mallet produced)?—Yes, that is the one.

You got it and you handed it to the accused Stoner?—Yes, I did.

What did he do with it?—He took it, and in a few minutes he was going away.

Then he left the house?—Yes.

He took it with him?—He took it with him.

Cross-examined by Mr. O'CONNOR—How long was he with you altogether?—Do you mean from the time he came into the house until he went away?

Yes?—Well, I could not say exactly to the minute, but it was gone eight, and it was just on half-past eight when he went out, and the bus was coming down. He must have met the bus as he was going out of the gate, and that is five minutes after every hour and every half-hour.

So that he was with you between five and twenty minutes to half an hour?—He would be there quite five and twenty minutes, I suppose.

And seemed to be going to catch a bus?—The bus must have passed him as he was going out.

Cross-examined by Mr. CASSWELL—Did this boy Stoner live with you?—He lived with me for the biggest part of his life.

He actually lived with you in part of your house?—Yes.

Was that when his mother and father were living next door?—Well, his mother was there, but his father was away working during part of the time, and when they were both away he used to stay with me.

# Rattenbury and Stoner.

Elizabeth A. Stevens

He would sleep in the house?—Oh, yes.

He is an only boy, is he not?—He is.

How young was he when you knew him first?—He was about two or three years old when he came to me first.

He was very backward in some ways, was he not?—Yes, very backward in his education for one thing, and he was backward in his growth.

Am I right in saying that as a baby he did not walk until he was over three?—No, he did not.

That is a bit backward, too, is it not?—Very, very backward. Well, for one thing, he had something the matter with his legs when he came to me.

Was he staying with you or not when he first went to the Rattenburys?—Oh, he was working for my husband and my son before he went to the Rattenburys.

Your husband and your son have a shed behind, have they not?—They have.

Do you know whether when he first went to the Rattenburys he lived in or not?—No, he did not live in then—not for two months, I should think.

He used to come back every night?—Yes.

And then he went to live in at the Rattenburys?—Yes.

What sort of lad was he?—A good lad, sir, an extraordinarily good boy he was.

Never known to be rough, I think?—Never. He never wanted to go out on to the road to play with other children; he would always stay in and mess about with his old bicycle doing repairs, or making up things to try and get electricity.

Did he ever go about with the girls much?—Never; I have never known him to go about with a girl.

Did you ever know him to drink at all before he went?—Never; he never drank. In fact, he was very prejudiced against it.

Did you notice any difference in him after he had gone to the Rattenburys?—I noticed that he was very pale, and I put it down to them giving him too much work driving the car about.

At any rate, you noticed he was pale?—Yes, and I said so to his mother.

We cannot have what you said to people, but that is what you noticed?—Yes, that is what I noticed.

There was nothing else you noticed in his behaviour at all?—No, I did not notice anything.

On this evening, 24th March, he came, I understand, and asked if he could borrow a mallet?—Yes.

Did he ask that as soon as he came?—Yes, when he came in he stood up just for a second or two, and he said, "Mother, can dad lend me a mallet? I want to drive some pegs in as I am going to put up a tent."

## Evidence for Prosecution.

Elizabeth A. Stevens

Then did he get it straight away or did you get it for him?—I went out to the shed to get it for him.

Did he stop talking for a bit with you?—Just for a minute or two—long enough for me to go and get it and bring it back. That was all. There was nothing in it.

I thought you said he stayed in your house about twenty-five minutes altogether?—Yes, it would be that time by the time he came in and the time he went away; by the time I went out to the shed and found the mallet it would take about that time. Of course, it was dark, and you have got to grope about in the dark. That is how you take a long time; you have not got much to see by.

I suppose there are lots of things like that in the shed, are there not?—Yes, plenty.

Implements of that sort?—You would find every kind of tool in the shed.

When he took it away, did he put it in a bag or anything?—No, I did not see him do anything with it.

You did not see him put it in any paper?—No, I did not see it in paper, because he walked out and was going to put it in his car.

By Mr. JUSTICE HUMPHREYS—He had his car outside?—I suppose he had a car. I did not see the car.

*Cross-examination continued*—You would not see the car from your house?—No.

RICHARD EDWARD STEVENS, examined by Mr. HAWKE—I am the son of Mrs. Stevens who has just given evidence. I keep a mallet in the shed outside the house where my mother lives (shown Exhibit 7). That is the mallet. The last time I used it would be somewhere about last Christmas.

Cross-examined by Mr. CASSWELL—Is the mallet, Exhibit 7, what you call a jobbing builder's mallet?—No.

It is the sort of thing one uses to drive in tent pegs with, is it not?—Yes.

I think you have known Stoner for some time. I suppose you have known him almost as long as your mother has?—Oh, yes.

What sort of a lad was he?—A good honest boy, and the best boy that I have ever seen in my life.

Did he go about with the girls much?—I have never seen him in my life.

Did you know of him going about drinking at all?—Never.

Did he go about with boys very much?—Very seldom.

Have you ever heard of him having fits?—No.

What I mean is fainting fits?—Yes.

Have you ever heard of him having fainting fits?—Once.

When was that?—When he hurt himself on the scaffolding of a building, the last house I built.

## Rattenbury and Stoner.

Richard E. Stevens

How long ago was that? Was it one, two, three, or how many years ago?—No, more than two years ago.

Were you there at the time?—I came on the scene soon after.

What had happened to him?—I think he had hurt himself in some way.

That is all you know about it personally?—Yes.

Have you seen this lad much since he went to the Rattenburys?—Very often.

Did you notice any change in him after he had been at the Rattenbury's some time?—Since Christmas I have known a big change in the colour of his face; he looked very, very white.

Was there any other thing you noticed?—No, because I have not been very close to him, except to shout out, "How do you do?"

But you did definitely notice this difference of colour of his face, did you?—Yes.

IRENE RIGGS, examined by Mr. CROOM-JOHNSON—I live at 394 Holdenhurst Road, Bournemouth. I am a spinster. In March, 1935, I was living with Mr. and Mrs. Rattenbury at 5 Manor Road, Bournemouth. I had been living there about four years. I was employed as a companion-help. I know the accused George Percy Stoner. He was employed at the same address as chauffeur-handyman. I think he came there first in September of last year. He lived in after he had been in employment there about two months. In March, 1935, there were living at 5 Manor Road Mr. and Mrs. Rattenbury, myself, Stoner, and little John, Mrs. Rattenbury's boy. John was five years of age. He used to go away to school and he came home just for the week-ends. He came home on the Saturday and went to school on the Monday. There was another son belonging to Mrs. Rattenbury who was away at a boarding-school in the ordinary way. I used to do a good deal of the work in the house. I slept in the little room over the kitchen and Stoner slept in the front bedroom over the dining-room. Mrs. Rattenbury slept in one of the back bedrooms over the drawing-room. Mr. Rattenbury slept downstairs in the next room to the drawing-room. When little John came home for the week-ends he slept in Mrs. Rattenbury's bedroom. Mr. Rattenbury owned a motor car which was kept in a garage at the side of the house. Mr. Rattenbury sometimes drove it and Stoner also drove it. I remember Sunday, 24th March. I went out that afternoon about four o'clock, which was part of the ordinary routine. I do not know what time I was expected back, but it was about ten o'clock, I should say. When I left for my afternoon and evening off, I left behind in the house Mr. and Mrs. Rattenbury, little John, and Stoner. When I left, as far as I know, Mr. Rattenbury was in the drawing-room and Mrs. Rattenbury had just gone down the stairs. I believe Stoner was in the kitchen. My parents live in the neighbourhood of Bournemouth, and I spent the day with them. Later on in the

## Evidence for Prosecution.

Irene Riggs

day I returned to No. 5 Manor Road. It would be about 10.15 when I got in. There was just one key for the house, and we had a place where we knew we could find it. I opened the front door with the key and went to my bedroom.

When you got in through the front door, was there any light on downstairs that you can remember?—Not that I remember.

Did you go straight up to your bedroom?—Yes.

How long did you remain in your bedroom before the next thing happened?—I cannot rightly say—about five or ten minutes.

Then did you leave your bedroom?—Yes.

When you left your bedroom, who was the next person that you saw in the house?—Stoner.

Where did you see him?—Hanging over the banisters at the top of the stairs.

By Mr. JUSTICE HUMPHREYS—Was that before you went downstairs or when you went downstairs?—I am not definite about that.

*Examination continued*—About the time that you left your bedroom and you were going downstairs?—Yes.

Could you see in which direction he was looking?—He was looking down the stairs.

Did you speak to him?—Yes.

What did you say?—I said, "What is the matter?"

What did he say?—He said, "Nothing; I was looking to see if the lights were out."

Were the lights out at that time?—Yes.

When you saw him there, did you go on downstairs, or did you go back to your room, or what did you do?—I went back to my room.

A little later on, did you leave your room again?—Yes.

About how long after you had seen Stoner and spoken to him was that?—That, again, I should say was about five or ten minutes.

Where did you go on this occasion?—Well, I am afraid it is going a little bit backward; I went downstairs once, but on the first occasion something happened when I went downstairs, and then I went back upstairs again and came out of my room, and that is, I think, when I saw Stoner.

You think on the first occasion you went downstairs and then you got back again, and it was when you got back again that you saw Stoner?—Yes.

And then you went to your room?—Yes.

Then you went downstairs a second time. Is that right?—No, I went downstairs the first time and nothing happened. I got back into my room. I left my room again, presumably to go along the landing, and I saw Stoner hanging over the stairs.

Then did you go on downstairs that time?—No, I did not go the second time.

# Rattenbury and Stoner.

Irene Riggs

When you were downstairs, on whichever occasion it was, were there any lights on downstairs?—No.

Which room did you go into downstairs?—I went to go into the kitchen, but I did not go. I heard heavy breathing.

What did you do when you heard heavy breathing?—I listened at both the drawing-room and bedroom doors, and I could not make out where this breathing was coming from, so I switched on Mr. Rattenbury's bedroom light, and he was not in bed, so I came to the conclusion he must have fallen asleep in the drawing-room.

At all events, this sound of breathing had called your attention?—Yes.

Was it after you had switched on the light in his bedroom, according to your recollection now, and went upstairs that you saw Stoner leaning over the banisters?—As far as I can remember.

When you got back into your bedroom after you had been along the landing, as you described it to us—is the lavatory along the landing?—Yes.

Did you then go back into your own bedroom?—Yes.

And go to bed?—Yes.

Who was the next person you saw that night?—Mrs. Rattenbury.

It is very difficult, but I know you will do the best you can. About how long was it that you had been in bed before you saw Mrs. Rattenbury?—I cannot really say, but I should say again about five to ten minutes.

Were you in bed?—Yes.

Did she come into the bedroom?—Yes.

By Mr. JUSTICE HUMPHREYS—Could you give us within a quarter of an hour or so the time when you think she came?—I cannot really say at all. I should say half an hour all the time.

Half an hour after what?—A quarter-past ten—eleven o'clock, perhaps.

Somewhere round about eleven o'clock?—Yes, a quarter to eleven or eleven. I have no idea at all.

*Examination continued*—What my lord is asking you about is a quarter-past ten to the time when Mrs. Rattenbury came into your room. About how long had you been in, do you suppose?—About three-quarters of an hour.

By Mr. JUSTICE HUMPHREYS—I understand. She is not to be pinned down to a time at all. It is only a vague idea round about eleven o'clock. It may have been earlier or later?—Yes.

*Examination continued*—I suppose you were not taking particular notice of the time. You had just gone to bed?—Yes.

Were you asleep when she came into your room or not?—No.

Is there electric light in your room?—Yes.

## Evidence for Prosecution.

Irene Riggs

When she came in, was it on or off?—I cannot remember.

Did Mrs. Rattenbury have a talk with you?—Yes.

What did she talk about?—Well, she was telling me how she had made some arrangements for the Monday to go and see some friend of hers at Bridport.

Did she give you the friend's name?—Yes, Mr. Jenks.

Did you know who Mr. Jenks was?—Yes.

Who was he?—Well, a business friend of Mr. Rattenbury's.

Did she mention Stoner's name at all to you in this connexion?—Yes, she just said she did not know whether Mr. Rattenbury or Stoner would be driving, but Mr. and Mrs. Rattenbury were going to visit Mr. Jenks.

I suppose there was other conversation before she left?—Yes.

But nothing of any importance?—Nothing at all, no.

Then did Mrs. Rattenbury go out and leave you in bed?—Yes.

And so far as you knew at that time that was the last you were going to see of anybody that night?—Yes.

What was the next thing that happened that night, so far as you were concerned?—I heard a noise of someone going downstairs, and immediately after I heard Mrs. Rattenbury call for me.

Can you help us again as to how long it was before you heard somebody going downstairs after Mrs. Rattenbury had left your room?—Well, I should say about five or ten minutes.

You say Mrs. Rattenbury called you. How did she call?—She called "Irene."

Once or more than once?—I could not say really.

Had you been to sleep?—No.

What did you do?—I rushed downstairs into the drawing-room.

Why did you go into the drawing-room?—Because Mrs. Rattenbury went into the drawing-room.

How were you dressed?—In my night clothes.

When you got into the drawing-room, who was there?—Mrs. Rattenbury and Mr. Rattenbury.

Tell us first of all about Mr. Rattenbury. Where was he in the drawing-room?—Mr. Rattenbury was sitting in his armchair near the fireplace as if he was asleep.

Will you take the bundle of photographs and just look at the first picture in the book? (handed book). Do you see in the picture the chair on which Mr. Rattenbury was sitting?—Yes.

Which of them was it?—The one near the fireplace.

Did you observe how he was sitting?—He looked quite ordinary, sitting in the chair.

Did you notice anything particular about any part of him?—Yes, I noticed what I thought to be a black eye.

Do you happen to remember which eye it was?—Yes, it was the left eye.

You have told us that he was sitting quite ordinarily. Would



## Rattenbury and Stoner.

Irene Riggs

you just describe that a little bit more for us?—Well, just leaning back on the back of the chair as if he was asleep.

Was he dressed in his ordinary clothes?—Yes.

And, seated in the chair, of course it would follow that his back would be towards the french windows?—Yes.

And his face would be facing towards the door of the room?—Yes.

Did you notice anything else on the floor or round about the chair?—Yes, there was some blood on the floor.

On which side?—On the left-hand side as you sit in the chair.

That was Mr. Rattenbury's left-hand side?—Yes.

Was there much blood or little blood?—Yes, much, I should say.

How about Mrs. Rattenbury; how was Mrs. Rattenbury dressed?—In her pyjamas.

Anything on her feet?—No.

Anything over the pyjamas?—No.

When Mrs. Rattenbury came into your bedroom and had the talk with you while you were in bed, how was she dressed then?—In the same clothes, pyjamas.

Without a dressing-gown?—I could not say.

What about her feet?—She had nothing on her feet.

When you went out in the afternoon at four o'clock, do you recollect how Mrs. Rattenbury was dressed?—In her pyjamas.

Without a dressing-gown?—Yes.

And with nothing on her feet?—I could not say about her feet in the afternoon.

But otherwise is it right that in the afternoon when you went out Mrs. Rattenbury was in her pyjamas?—Yes.

With or without a dressing-gown?—Without, I think.

You have told us about Mrs. Rattenbury's clothing. What state was she in herself when you went down into the drawing-room after she had called you?—In a very terrified state.

And thereupon what was the first thing that happened after you got there and just took in the scene like that?—I rushed to the phone to ring for the doctor.

Had anybody told you to do that?—Yes, Mrs. Rattenbury.

Did you know which doctor to phone for?—Yes, Dr. O'Donnell.

Had he been attending at the house before for some ailment or other?—Yes.

Where is the telephone in the house?—In Mr. Rattenbury's bedroom.

After telephoning, what did you do next?—I fetched a bowl and a cloth to bathe Mr. Rattenbury's eye.

Where did you get those from?—One from the bathroom downstairs and one from the kitchen.

Then did you bathe his eye?—Yes.

After you had bathed his eye did you call somebody else?—Yes. I called for Stoner.

## Evidence for Prosecution.

Irene Riggs

Did he come when you called?—Yes.

How soon after you called?—Almost immediately.

By Mr. JUSTICE HUMPHREYS—Did you call for Stoner of your own accord, or did somebody suggest you should?—I think Mrs. Rattenbury had previously called. We both called at the same time practically.

*Examination continued*—You think you both called?—Yes.

Are you quite sure about that?—Yes.

At all events, you did?—Yes.

And he came down almost immediately?—Yes.

How was he dressed?—As far as I can remember, in trousers and a shirt, I suppose. I do not know—just trousers but no coat on.

You said something about a shirt?—Well, a shirt on, I suppose.

When he came down what happened next?—Then we all three helped to carry Mr. Rattenbury into his own bedroom.

When you got him into the bedroom, where did you put him?—On his bed.

What did you do next?—I believe the doctor came then.

Before the doctor came, did you try to undress him?—Yes.

Did you take off any particular garment that you can remember?—Yes, we succeeded in getting off his trousers.

In the meantime while you were doing that, the doctor came?—Yes.

When the doctor came, where was Stoner?—I do not know; I cannot remember.

Was he there, as far as you can recollect?—Yes, he was around somewhere there.

After the doctor arrived, did you then proceed to clear up some of the mess in the drawing-room?—Yes.

Who told you to do that?—Mrs. Rattenbury.

Did she say why?—She did not want little John to see it in the morning.

Did you first of all try to get rid of the blood on the carpet?—Yes.

Was there any blood that you could see on anything else besides the carpet?—On the chair.

In the condition in which the chair is in the photograph that you have looked at, the chair appears to have a cover, not a loose cover?—It did have a loose cover.

Had it, in fact, a cretonne covering?—Yes.

Was there blood on the cretonne covering of the chair?—Yes.

Which portion of the cretonne covering had blood on it?—On the left arm and on the back of the seat.

Do you mean the place where your head would rest if you were resting in the chair, or what do you mean by the back of the seat?—The seat of the chair at the back.

## Rattenbury and Stoner.

Irene Riggs

Look at Exhibit 36. Is that the cretonne covering?—Yes.

What did you do to the cretonne covering?—I took it off the chair.

When you took it off, what did you do with it?—I put it on the floor of the drawing-room near the door.

Did you notice anything else about the cretonne covering when you took it off—anything else besides blood?—Just wet.

Where was that?—On the seat.

When you were helping with Mr. Rattenbury, did you touch his clothes at all besides his trousers?—Yes, afterwards.

First of all, about the trousers, how were they—wet or dry?—Wet.

And his coat and waistcoat?—They were blood-stained.

Just tell me about the coat and waistcoat. Later on, as we shall hear, they were found in the bathroom. Do you know who took them into the bathroom?—No.

At all events, you did not?—No.

And finding them in the bathroom, did you try and clean them in some way?—Yes.

What did you do?—I had some water in the bath and I put them in, just the tops.

Was that done of your own accord, or had you been told to do that?—No, quite of my own accord.

At the time you did that, had two doctors arrived?—Yes.

But I think no policemen had come at that time?—No.

You were there, were you not, when Mrs. Rattenbury was arrested?—Yes.

The next morning some time?—Yes.

Did you continue to live at the house after Mrs. Rattenbury had been arrested?—Yes.

Were you there when Mr. Rattenbury was taken away in the ambulance?—Yes.

After Mrs. Rattenbury had been arrested, you say you continued living there. What about Stoner?—And Stoner.

The day we have been talking about was the Sunday and the early morning of Monday, the 25th. On the next day, the Tuesday, did you go out anywhere with anybody?—Yes.

Who did you go with?—Stoner.

Where did you go to?—To Wimborne.

How did you go?—By car—Mr. Rattenbury's car.

Having gone to Wimborne, on the way back from Wimborne did Stoner point anything out to you?—Yes.

What did he point out?—First of all, he pointed out a house where he said an ex-something or other lived—an ex-soldier or an ex-policeman, or something.

Did he point out anything else to you?—He pointed out another house where his mother lived, and his own house where he lived.

When he pointed out the ex-police officer's house to you, did he

## Evidence for Prosecution.

Irene Riggs

say anything to you about the police officer?—Yes, he told me how he could say he was out that way at half-past eight on Sunday evening.

Do you know the name of the district where he pointed that out to you?—I believe they call it Ensbury.

You told us that he pointed out his grandfather's house to you. Did he tell you about any visit or anything of that sort to his grandfather's house?—Yes, he said that was where the workshop was where he fetched the mallet.

"He" being Stoner?—Yes.

The next day, Wednesday, was that your evening out?—Yes.

Did you go out as usual?—Yes.

What did you do?—I just went out on a short visit in the evening.

About what time did you come home?—About 10.30.

When you got back, where was Stoner?—In his bedroom.

Did he speak to you?—After a bit, yes.

What did he say?—Well, he was in a very peculiar state, and he wanted to speak to me on my own very quietly.

Will you say that again?—He was in a very peculiar state and he wanted to tell me something. He said how Mrs. Rattenbury was in jail and he had put her there, and he was going up on the following morning to see her and to give himself up.

Did he give you any instructions or make any request of you as to what he wanted you to do in the morning?—Yes, he told me to be sure and not let him oversleep because he wanted to get away early.

By Mr. JUSTICE HUMPHREYS—I thought you said something about his being in a peculiar state that night?—Yes.

What do you mean by that? What state was he in?—Well, in appearance, drunk.

*Examination continued*—He appeared to be drunk. Did you have any talk with him that night after he had said those things or not?—No.

Did you go to bed?—Yes.

And the next morning did you get up early, at half-past six?—Yes.

Did you go to see if he was getting up?—Yes.

Was he?—He was.

What time did he leave the house that morning?—About ten to seven.

Did he come back again?—Yes.

About how long afterwards?—About ten minutes.

How long did he stay in the house when he came back again?—Not long.

Then did he go away again?—Yes.

# Rattenbury and Stoner.

Irene Riggs

Did he tell you where he was going?—Yes.

What did he say?—Well, he did not tell me where he was going. I knew because——

By Mr. JUSTICE HUMPHREYS—Because of what he had said the night before?—Yes.

*Examination continued*—He did not tell you anything more?—No.

And he left the house the second time, and that was the last time you saw him until you saw him at the Police Court?—Yes.

I want to go back a little bit, because we left out of account some of the events of Monday, the 25th. After Mrs. Rattenbury had been arrested in the early morning of Monday, the 25th, or the morning of the 25th, were you and Stoner in the house alone together?—We were in the house together, yes.

Did Stoner say anything to you about what had happened, do you recollect, on the Monday morning? If you cannot remember, just say so?—No, I do not remember now.

Look at Exhibit 3. Do you recognize that watch?—Yes.

Do you know whose it is?—Mrs. Rattenbury's.

By Mr. JUSTICE HUMPHREYS—It is a man's watch, is not it? How do you know it is hers? Have you seen her wearing it?—I think it belonged to her father or grandfather, or somebody.

Where have you seen it?—On her dressing-table.

Mr. JUSTICE HUMPHREYS—It is not a watch, obviously, a woman would wear; it is a very big, heavy, man's watch.

Mr. CROOM-JOHNSON—A heavy hunter.

*Examination continued*—Look at Exhibit 4, which is an envelope. Do you know Mrs. Rattenbury's handwriting?—Yes.

In whose handwriting is the address on that envelope?—It is similar to Mrs. Rattenbury's, but it is not like her ordinary handwriting.

It is not like her ordinary handwriting, but it is similar to her handwriting?—Yes.

Is that envelope addressed, "Mr. George Stoner, Villa Madeira, 5 Manor Road, Bournemouth"?—Yes.

And is it postmarked "Holloway—27th March, 1935, N.7"?—Yes.

Look at Exhibit 5. In whose handwriting is that?—I say the same as the envelope.

Does that document bear this upon it: "No. 880: Name, A. V. Rattenbury, Holloway Prison, 27.3.1935. I am trying to have the lawyer's letter I received to-day sent to you, darling, so that you can make arrangements to come up with him, or make arrange-

## Evidence for Prosecution.

Irene Riggs

ments yourself with the governor. But I must see you darling. Please write to me. This is the third letter I have written. Hope you receive this. I hardly know how to write now. Let me know how Ratz is getting along. No more now. God bless you. My love be with you always. Lozanne."?—Yes.

"Have you talked with Dr. O'Donnell about how Ratz is? Goodness, there is so much I want to know. Please ask Irene to give you a few bobbing pins for my hair. I think they would be allowed." Do you know who "Ratz" is?—Mr. Rattenbury.

How do you know that?—It was Mrs. Rattenbury's name for him.

While you have been employed by Mr. and Mrs. Rattenbury, has there ever been a tent in the garden?—A sun shelter.

I will ask you about that in a moment, but has there ever been anything which had to be kept up with guy ropes and pegs, or anything of that sort?—No.

Is a sun shelter put up with pegs?—Yes.

What sort of pegs?—Just little wooden ones.

Ones, as far as you could see, that would be easily driven in?—Yes.

Had that sun shelter been used the previous summer when you were there?—Yes.

How late the previous summer had that sun shelter been up in the garden?—It was on a very hot day we had it, but I cannot remember how late.

Did you receive yourself a letter from Mrs. Rattenbury after she was arrested?—Yes.

Just look at that document (handed document). In whose handwriting is that letter?—The same as the others.

MR. CASSWELL—My lord, if it is proposed to put this letter in, in my submission, it is not evidence. We have now come to that piece of additional evidence which I have already drawn your lordship's attention to before. In my submission that is not evidence; it cannot be evidence either against Mrs. Rattenbury or against my client Stoner.

MR. JUSTICE HUMPHREYS—It quite clearly cannot be evidence against your client, and nobody suggests it will, I gather. Why do you say, if it is necessary for you to argue it, it is not evidence against the person who wrote it?

MR. CASSWELL—Because in my submission there is nothing in that that can be evidence against her in any sense of the word, and therefore in my submission that letter ought not to go in.

MR. JUSTICE HUMPHREYS—Surely it is not a reason for excluding evidence because there is nothing whatever in it. That is for the jury, if it is about this case at all.

MR. CASSWELL—My lord, if the reading of that letter is in any way going to prejudice my client then it ought not to be read.

# Rattenbury and Stoner.

Irene Riggs

MR. JUSTICE HUMPHREYS—Of course, it will not prejudice your client. It is not evidence against him. The letter is *prima facie* admissible in evidence against Mrs. Rattenbury if it is a letter in her handwriting. It may help her or be against her—one does not know anything about it at present. Obviously it is not; no objection is taken.

MR. CROOM-JOHNSON—My learned friends have got a copy of this. There is a great deal in it dealing with all sorts of personal details about wearing apparel and the like. If either of my learned friends want me to read the whole letter, I will do so.

MR. JUSTICE HUMPHREYS—Mr. O'Connor, this is a matter for you. Your client is concerned with it. Would you like it all read?

MR. O'CONNOR—I should like it read from the words, "Oh Lord, and to-morrow Good Friday."

MR. CROOM-JOHNSON—That is about two-thirds of the way down the first page?

MR. JUSTICE HUMPHREYS—Members of the jury, you understand that the letter is now in evidence, therefore it will be available for you when the time comes for you to read it. You will be entitled to look at all of it; there is nothing in it that anybody wants to keep away from you. The reason it is not being read is that both counsel agree that it is immaterial; it is about clothes, or something of that sort. It has nothing to do with this case, and that is all; it is not being kept away from you at all, and when the time comes, if you like, you can read it all if it interests you.

MR. CROOM-JOHNSON—Perhaps I might just read three lines before that, because it will give the jury some sort of indication as to what sort of letter it is. It begins: "No. 880. Name: A. Rattenbury. Holloway Prison. 18.4.35. Darling. Was glad to see you looking so nice, also your M. and F. I wrote you dozens of letters in my mind last night, and have nothing but an empty box on top this morning. Will you hand to Mrs. Grieg (wardress at B.P.S.) to give me before I go to Court a pair of tweezers, Yvettes' rouge, things to do my nails with, and liquid polish, light colour. I think the perfume in small bottles would last longer, also that grey or fawn pair of slippers (same colour you were wearing), in case the brown suede are not O.K. and I can in that case change over. The brown shoes with laces would be best. On second thoughts perhaps the crocodile pair would be best. You might tell Mrs. Grieg how much I appreciate her kindness, which has been most considerate. Oh darling, I hardly know how to write. My mind is frozen. When Manning advised me to write about nothing but clothes, &c., it almost made one smile. I can hardly concentrate on even them. I think my macintosh would help. Also that red woollen dress the skirt needs a hook on or

## Evidence for Prosecution.

Irene Riggs

something, and if I haven't a red belt; you might get a wide one. Oh Lord, and to-morrow Good Friday and I dare not think of the children. I even pretend I haven't any here. If one thought for five minutes they'd go mad. I saw nothing in the papers yesterday except what was cut out; I seem to see nothing but the missing parts. Darling, will one ever be happy again? Friday will be like Sunday here. Of all days in the week Sunday is the worst. I have to control my mind like the devil to not think of little John. Yes, take him out on Sundays, darling. C. was awfully pleased to hear from you. I cannot understand my M. not doing anything, can you? Messages of love are not much use to me now, when I wanted her help with Long, &c. However, if I feel awfully sad, being separated in such a ghastly way from everything one loves, S.'s feelings must take some weighing up, but he'll be the same and not allow himself to think. Should think his remorse at what he's brought down on my head, the children's, &c.—smashed lives—would drive him a raving lunatic—a frightful responsibility to hold in one person's hands. God deliver me from such a hellish responsibility. I couldn't have courage to bear *that pain*; my own is more than enough in a hundred lifetimes as it is. Two times have found my feelings very hard and bitter—Oh, my God, appallingly so—but have managed to drown these feelings and get one's heart soft again. Darling, God bless you, bless us all and get us out of this nightmare. My love to your M. and F. My love be with you always. Lozanne."

*Examination continued*—Miss Riggs, was that name "Lozanne" a name that was used in the house for Mrs. Rattenbury?—No.

Until you saw it in this letter, had you ever addressed her as Lozanne?—I personally never called her Lozanne.

Or anybody else?—I do not know.

MR. JUSTICE HUMPHREYS—Now that letter must be made an Exhibit.

(Letter put in and marked Exhibit 43.)

Cross-examined by Mr. O'CONNOR—As the letter shows, you were on terms of the greatest friendship with Mrs. Rattenbury?—Yes.

You had been with her for four years, and the relations in the house were extremely pleasant between everybody, were they not?—Yes.

You were something more than a maid, a companion and help, and Stoner also was a member of the household?—Yes.

During the whole of these four years that you have belonged to that household, have Mrs. Rattenbury's relations with her husband been perfectly friendly?—Yes.

With the exception of one trivial quarrel, have you ever known them to have a quarrel?—Just little funny affairs, but nothing.



# Rattenbury and Stoner.

Irene Riggs

Just little twopenny-ha'penny affairs?—Yes.

You have known for some time, have not you, that the relations between Mrs. Rattenbury and Stoner were those of a woman and her lover?—Yes.

There was no mystery about that either, was there?—No.

The suggestion that seems to have been made this morning is that that relationship had struck up within the last week or so. There is no foundation for that; it had been going on for a considerable time?—Yes.

And did Mrs. Rattenbury tell you that her life had been threatened by Stoner more than once?—Yes.

Was there an occasion——

Mr. CASSWELL—My lord, I object. This apparently is evidence of something which was said to this lady by one of the accused.

Mr. JUSTICE HUMPHREYS—Well?

Mr. CASSWELL—It does not appear to have been said in his presence, and in my submission it cannot be evidence against him, and there is no purpose in bringing it out at all unless it is evidence against him.

Mr. JUSTICE HUMPHREYS—I am not concerned with the object of learned counsel in bringing out something which in my view is clearly admissible in evidence for or against his client. I will tell the jury now, if you like, but I have not a shadow of doubt they thoroughly understand it. Members of the jury, documents written by "A" in the absence of "B" are never evidence against "B," merely because "B" happens to be sitting in the dock and is being tried with "A." Statements made by "A" under these circumstances are not admissible against "B" for the same reason. Therefore, when evidence of this sort is being given, whether for the prosecution or defence, of some statement made by one of the persons in the absence of the other, you will understand that statement is evidence in regard to—I do not say for or against; it does not matter—that particular person who made the statement. It is not evidence against his or her co-defender. I hope that is very clear. I have very little doubt you have understood it already. I cannot fail to admit the evidence merely because it is not evidence against one of the two accused.

*Cross-examination continued* by Mr. O'CONNOR—Did you say that on two or three occasions she told you that he had threatened her life?—Yes.

Mr. JUSTICE HUMPHREYS—Not two or three. I do not think she said that.

Mr. O'CONNOR—More than once.

*Cross-examination continued* by Mr. O'CONNOR—About how many times, Miss Riggs?—I cannot say. .

## Evidence for Prosecution.

Irene Riggs

You know we are not pinning you down to a week or so, but, roughly, how long before 24th March was the first time when Mrs. Rattenbury told you she had been threatened?—Two or three months.

Was there an occasion in February when you heard a quarrel going on between them?—Yes.

What time of day or night was that?—At night, between eleven and twelve.

Where was the quarrel going on?—First, in Mrs. Rattenbury's bedroom, and then they went along the landing to Stoner's bedroom.

Did you go out to see what was happening?—I went into Stoner's bedroom.

What did you find was happening?—Well, Stoner had hold of Mrs. Rattenbury.

Of what part of Mrs. Rattenbury did he have hold?—I could not definitely say.

Could you see if it was the throat or the arm?—Was it a firm hold that he had of Mrs. Rattenbury?—Yes.

Who separated them?—I separated them.

What was her state of mind on that occasion?—She was rather scared.

Used Stoner to carry a dagger about with him?—Yes.

What kind of length was it?—A blade about four inches.

Do you remember the Monday after the 24th? That would be the 25th. Did Stoner take away some belongings with him?—Yes. Among those belongings was there a box labelled " Air pistol " ?—Yes.

You saw it yourself?—Yes.

Was it the general practice that the key for the front door of the house used to be kept outside somewhere?—Yes.

And anybody of the household knew where to find the key?—Yes.

So that on the Sunday night which was your ordinary evening off, you came in and unlocked the door, and I suppose put the key back in the same place where you had found it?—Yes.

And I suppose Stoner knew where it was too?—Yes.

Did Mrs. Rattenbury usually keep her bedroom window closed until after she was undressed?—She never had the window open.

There was a little dog, was there not, " Dinah " ?—Yes.

I think the practice about the dog was it was let out for a run at night?—Yes.

Who used to let it out as a rule?—Mrs. Rattenbury.

Where did they usually let it out?—Out of the french doors in the drawing-room.

Who used to let it in again?—As a rule, Mr. Rattenbury.

So Mrs. Rattenbury would let it out and go off to bed, and her husband would let the dog in later on?—Yes.

Mr. and Mrs. Rattenbury sometimes used to go away together in the motor car or by train, did they not?—Yes.

# Rattenbury and Stoner.

Irene Riggs

And sometimes Mrs. Rattenbury would get her husband's clothes ready for him for the next day?—Yes.

Was it her habit to put out a suit or two suits for him in his bedroom ready for packing the next morning?—Yes.

How about money? Used you to cash cheques for Mrs. Rattenbury sometimes?—Yes.

Used she to make them payable to yourself and you cashed them and handed her the money?—Yes.

You have been asked about this gold watch that you have seen in front of you. Had Stoner had that watch for a considerable time?—I do not know.

Do you remember when first you saw it in his possession, if you ever did?—I can remember seeing him have it once, but I cannot say when it was.

Once before the 24th?—Yes.

Was Mrs. Rattenbury a very highly strung and excitable lady?—Yes, very.

Easily put into a state of great excitement?—Very easily.

Sometimes she used to have a bout of a day or so when she drank a great deal. Was that so?—Yes.

But I do not think she was a consistent drinker, was she?—No.

But any sudden or violent happening would throw her into a state of very great excitement?—Yes.

Now, I want to ask you in a few questions about the night of the 24th. You have told us that you came in and went straight upstairs. There were no lights on downstairs when you came in, were there?—Not to my knowledge.

If there had been any lights, you must have seen them?—Yes.

Were there no lights upstairs either?—Yes.

There were some lights upstairs?—Yes.

In which room were the lights upstairs?—The light was in the hall upstairs, always burning.

That is on the landing?—Yes.

You went to your room and came out, and, as you have told us—I want to have it quite clear—it was only once that you came downstairs?—Yes.

But you came out of your room twice, and on one of the occasions, when you came out, you saw Stoner, but you are not quite sure which it was?—Yes.

How was he dressed when you saw him?—In his pyjamas.

When you saw him later on, he was in trousers and possibly a shirt?—Yes.

But when you first saw him on the landing he was in pyjamas?—Yes.

Whenever you came down, whether it was before seeing Stoner or afterwards, you looked in Mr. Rattenbury's bedroom, did you not?—Yes.

## Evidence for Prosecution.

Irene Riggs

Did you see there a suit of clothes put out for him in the way that was habitual when he was going away?—Yes.

Miss Riggs, had you an uneasy feeling that made you come down that night?—I had.

You felt uncomfortable?—Yes.

As I understand it, you went up to your room, and I imagine Stoner was still somewhere on the stairs, was he?—I do not know where Stoner was.

You did not see him when you went back?—No.

I suppose you must have been accustomed in the course of the time that Stoner had been there to find him going in and out of Mrs. Rattenbury's room?—Yes.

There was nothing very remarkable in finding him on the landing. Mrs. Rattenbury shortly afterwards came into your room. Was she perfectly normal, so far as you could see, in every way when she came in to talk to you?—She was just excited, a little excited.

What was she excited about?—About the preparations she had made for the Monday.

That was about going away?—Yes.

She told you she was going off with her husband to stay with Mr. Jenks. Was there anything unusual about her?—No.

Did she look as though she had just had a great shock or heard something very terrible?—Nothing at all.

Did she look as though she had any knowledge at that time that her husband was down below struck with a blow upon his head?—No.

It was not an unusual thing for her to come and have a chat with you before going to bed, was it?—No.

She often used to come, I suppose?—Very often.

For a chat with you about what was happening, and on this occasion they were going away the next day, and she told you it was not quite certain whether her husband was going to drive or Stoner?—Yes.

Did she tell you whether she had been telephoning to Jenks or not?—Yes, she told me she had telephoned.

And then subsequently she left you after five or ten minutes, or whatever it was, and went back, as far as you can make out, to her room?—Yes.

You said you heard someone going downstairs. Was it someone going down very quickly?—It seemed to be, yes.

Somebody rushing downstairs?—Oh, in a hurry.

In a hurry, and then almost immediately afterwards the cry of "Irene"?—Yes.

Were you down in the drawing-room within a few seconds of that cry?—Yes.

What was her condition then?—She was in a terrified state.

# Rattenbury and Stoner.

Irene Riggs

Was her condition then like the condition that you had seen a few moments previously in your bedroom?—Nothing at all like it.

Was she a changed woman?—A changed woman absolutely.

Had she obviously had a sudden and terrifying experience?—Yes.

She had no slippers on, you have told us?—No.

And in her pyjamas, which you say, I imagine, she wore about the house sometimes in the afternoon?—Yes.

She told you to telephone for the doctor?—Yes.

She told Stoner after you had telephoned to hurry up in the car to see if he could be fetched a little quicker?—Yes.

So that no moment should be wasted?—Yes.

Incidentally, Stoner had no collar on, had he?—I do not know.

What was she saying to her husband, or her unconscious husband, all the time?—Well, she was raving. You could not make out what she was saying—"Oh, poor Ratz."

It was dreadful, and you could not make out what she said, but she said, "Oh, poor Ratz." Did you hear her say, "What have they done to you?"—"What has happened?"

I am asking now about the time when you came down and found her with her husband in the drawing-room?—Yes.

You understand that that is the time I am addressing your mind to?—Yes.

She was very impatient with you?—Yes.

What did she think you ought to have done quicker?—She was telling me to hurry—"Can't somebody do something?"

How did she tolerate the time that elapsed between the telephoning for the doctor and the time he came?—Raving about the house.

Was she drinking?—Yes.

Drinking continuously or not?—She came out for some whisky, Yes.

By Mr. JUSTICE HUMPHREYS—Was she drinking whisky continuously?—Well, she kept going backwards and forwards for some.

*Cross-examination continued* by Mr. O'CONNOR—Was it neat whisky or not?—No, she had soda with it.

Then Dr. O'Donnell finally came, and I just want to know this: did Stoner return to the house soon after Dr. O'Donnell arrived?—I did not see.

You told me a moment ago that Mrs. Rattenbury was not satisfied with phoning, but she sent Stoner away with the car to see if he could get Dr. O'Donnell quicker?—Yes.

Did he go?—Yes.

Can you remember, did he come back with Dr. O'Donnell?—No.

How soon did he return after Dr. O'Donnell arrived?—I did not see him return.

## Evidence for Prosecution.

Irene Riggs

When did you next see him? Did you see him at any time while Dr. O'Donnell was there?—Yes, he was about after that all the time.

What I want to be quite clear about is this: Dr. O'Donnell, as I think we shall find, arrived somewhere about half-past eleven?—Yes.

And after that Dr. Rooke came, did he not?—Yes.

And after Dr. Rooke came Mr. Rattenbury was taken away to the nursing home?—Yes.

During the time that Dr. O'Donnell and Dr. Rooke were there Stoner was in the house, was he not?—Yes.

Did he go out again so far as you know?—Yes, he went to the nursing home.

So that he was in the house while Dr. Rooke and Dr. O'Donnell were there. Did he take Mr. Rattenbury and the doctors to the nursing home?—No, Mr. Rattenbury went in the ambulance.

Did he take Dr. O'Donnell?—I cannot say. I think he must have done.

Can you tell me when next he came back?—When Dr. O'Donnell came back, I think it was.

When Dr. O'Donnell came back the second time?—Yes.

So that he was there at some period of the time while Dr. O'Donnell was there first, and he came back with Dr. O'Donnell when the doctor came back the second time?—Yes.

MR. JUSTICE HUMPHREYS—The second time that Dr. O'Donnell came, I understood, was about four o'clock in the morning.

MR. CROOM-JOHNSON—Half-past three to four o'clock.

*Cross-examination continued by Mr. O'CONNOR*—What was Mrs. Rattenbury's condition when the police first arrived? I think they arrived about two o'clock?—Yes, she was still in a terrified state.

Was she playing the radio-gramophone?—No.

Did you hear that played at all during the night?—No.

Was she "making-up" to the police?—Yes.

Trying to kiss them?—Yes.

Did one of the police officers complain to you about her trying to kiss them?—He did not complain, but I heard about it.

Well, he said something about it. What did he say, and, if you remember who it was, tell me?—Well, he simply went out of the house, the police officer.

Did he say anything to you about it?—He said he was going to fetch another police officer.

Did he say why?—To stay in the house with him, I suppose. He did not say why.

Do you know why that was?—I do not know why, but I suppose it was because of Mrs. Rattenbury.

Because of what you had seen—her trying to kiss him?—Yes.

# Rattenbury and Stoner.

Irene Riggs

After the police went away, we know that Police-constable Bagwell came at first and then Mr. Mills, and then they went away again, did they not?—Yes.

And that left only you and Mrs. Rattenbury in the house?—Yes.

You did not see Stoner then, did you?—No.

What did she try to do when you and she were alone in the house?—She tried to rush out of doors. She went to different doors trying to get out, and I locked them and took the keys.

By Mr. JUSTICE HUMPHREYS—Do you mean the front door?—All the doors.

*Cross-examination continued* by Mr. O'CONNOR—All the doors in the house, front and back. How did you keep her in?—By taking the keys out and sitting on her in the dining-room.

You put her down in the dining-room chair and sat on her?—Yes.

When the police came back, did they begin to ask her questions?—Yes.

What was she talking to them about? Was she talking anything that you could understand?—At times you could make out what she was saying, but at others you could not.

By Mr. JUSTICE HUMPHREYS—What time are you speaking of now?—This was before the doctors came back from the nursing home.

*Cross-examination continued* by Mr. O'CONNOR—Just let me get the sequence right. The times will be fixed by later witnesses for the prosecution. I think the police came first about two o'clock in the morning. Is that what you recollect?—I recollect no time whatever.

About how long were they there when they came there first?—Well, there was somebody there all the time.

By Mr. JUSTICE HUMPHREYS—There was a time, was there, when there were no police there and no doctors?—Yes.

After Mr. Rattenbury had been taken away?—Yes.

So that the only people in the house were you and Mrs. Rattenbury?—Yes.

*Cross-examination continued* by Mr. O'CONNOR—As I understand it, that was the time when she was trying to get out of the house?—Yes.

And when you had to put her sitting down in a chair, sit on the top of her, and hide the keys?—Yes.

Have you any doubt about it, first of all, that there were no police in the house when that was happening?—No doubt at all.

## Evidence for Prosecution.

Irene Riggs

And, secondly, that was after the police had been there the first time?—After the police had been there.

Is that after Bagwell had been there?—Yes.

If you can remember, for how long were you in this uncomfortable predicament—you alone with this lady in the house?—About ten minutes to a quarter of an hour.

That helps us a great deal. That means at the end of this ten minutes or quarter of an hour the police came back again?—Yes.

Who came back this time?—Two or three policemen, I think.

Was that the time when they came back the second time? Was it that time you were talking about when you told me a moment ago that you could not understand what she was saying?—Yes.

Did they begin to ask her questions?—Yes.

Just to make it perfectly clear, I will go back for a moment to this occasion when you took the keys out of the door. She was not trying to escape, was she?—No, she was trying to get out after the policeman.

When they were asking her questions on this second occasion when they came back, what was she talking to them about. Did you hear her mention her son?—She mentioned Mr. Rattenbury's son.

There was one question I am afraid I have missed which I have taken out of its order—I ought to have asked you before—a rather important one. When you came down to the drawing-room for the first time that evening and found Mrs. Rattenbury with her husband, did you notice anything about the blood that was on his head?—I saw no blood on his hair.

Blood on the chair?—On the chair.

And the carpet?—Yes.

In what condition was the blood?—Well, not fresh.

Thick and congealed, was it?—Yes.

Now, we have got to the second visit of the police when they were with you for some time. Some police were there in the house for the rest of the night, were they?—Yes.

After they had come back that time?—Yes.

How soon after the police had arrived for the second time did Dr. O'Donnell return?—I cannot say.

Can you give us an estimate? Would it be half an hour, three-quarters, or what?—I think it was some time after.

Did he take her upstairs?—Yes.

Did you know what he had taken her upstairs to do with her?—To give her an injection.

You knew that he was going to give her an injection?—Yes.

In what condition was she before he took her upstairs?—In a terrible condition.

Did she stay upstairs?—No.



## Rattenbury and Stoner.

Irene Riggs

How long after he had taken her up did she come back again?  
—Not long.

Five minutes?—Yes.

Was she then talking to one of the police officers again?—Yes.

Did you hear Dr. O'Donnell warn the police officers that she was not in a fit condition to make a statement?—Yes.

And did he take her up to bed again?—Yes.

Did you help her up that time?—I went upstairs, yes.

Could she get upstairs easily?—No.

Was she falling on the stairs?—She was nearly asleep on the stairs.

And did a police officer call out, "Look out, she is nearly asleep"?—Yes.

And then she went to bed?—Yes.

You did not go to bed, did you?—No.

We shall find out later on what time it was when she was put to bed like that, but after that did the police ask you several times whether she was awake?—Yes.

About how many times?—Once or twice, I should say.

Did you go with one of the police officers to her room between six and half-past?—Yes.

That would be after she had only been in bed for a couple of hours, I suppose?—I do not know what time it was.

At any rate, not more than three hours?—No.

Was that for the purpose of getting her up?—To see if she was awake.

Did she say anything?—Yes.

Could you make out what she was saying?—No, you could not exactly say what she was saying.

Did she want to be sick?—Yes.

Did she recognize you?—I do not know.

Did she appear to recognize you?—No.

And did a police officer come into her bedroom?—Yes.

What did he say?—I do not know.

Did she say anything about not wanting to get up?—She said that she did not want to get up, she had not had her coffee yet.

Do you know which officer it was?—It was a plain-clothes officer.

The one who came in plain clothes?—There were three.

A plain-clothes officer who was, I think, Inspector Carter. He was very anxious to get her up, was he not?—Yes.

Was he the one who asked you two or three times to get her up?—Yes.

And when you spoke to her she said that she had not had her coffee yet?—Yes.

Did the officer tell you to go and get her some coffee?—I went to get her some coffee, yes.

Were you told to do so? Perhaps you cannot remember?—No, I do not remember.

## Evidence for Prosecution.

Irene Riggs

When you brought the coffee, could she hold the saucer?—No. Could she drink it?—In a fashion.

Had a police-matron arrived by this time?—Yes.

What part was she playing? What was she there for?—She said she was there to get her up.

There was yourself, Inspector Carter, and a police-matron trying to get this woman up?—There were three men in the room.

Would this be about half-past six in the morning?—No, it was later when the police-matron arrived.

She arrived about seven?—Yes.

Did she ask for a bath?—Mrs. Rattenbury said she would have a bath.

The bathroom is on the ground floor, of course?—Yes.

How did she get down to the ground floor?—Staggered down.

Was she helped?—Yes.

Had she to be helped back again?—I think so, yes. I was not with her.

You can only tell us, of course, what you saw. She had to be helped down to the bath, and she had her bath, and then subsequently did you hear her say whether she wanted to go to sleep or not?—Yes, she said she wanted to go to sleep. She just said she wanted to go to sleep.

After she had had her bath?—Yes.

Would you by any stretch of imagination describe her condition at that time as normal?—By no means normal.

When she was going away finally to the police station, did she say anything to you about what you were to tell Stoner?—Yes.

Just try and recollect her exact words as she was being taken away to the police station. What did she say?—She whispered to me and said, "Tell Stoner he must give me the mallet."

Did Stoner afterwards on some occasion or other say anything to you about the mallet? Did he say anything about fingerprints?—Yes, I asked Stoner would not there be his fingerprints on the mallet. He said no, he wore gloves.

MR. JUSTICE HUMPHREYS—Would you just ask her what time she is speaking of when she says Stoner made this observation to her? Was it some days afterwards?

MR. O'CONNOR—That, I think, was a day or so later.

*Cross-examination continued by Mr. O'CONNOR*—Was it the next day, the Monday, or the Tuesday?—About the gloves, do you mean?

Yes?—It was on the Tuesday that happened.

You were in the house with Stoner for four or five days after the death?—I was in the house.

By MR. JUSTICE HUMPHREYS—What I really wanted to know

# Rattenbury and Stoner.

Irene Riggs

was this: getting this message on the morning of the 25th, the Monday, "Tell Stoner he must give me the mallet," did you tell Stoner that?—Yes.

When?—Just after Mrs. Rattenbury told me.

Was it then that anything was said about fingerprints?—No.

What did he say when you gave him the message?—Well, I realised when I asked him the police had already found the mallet?

*Cross-examination continued* by Mr. O'CONNOR—The police had already found what?—After I had told Stoner I realised the police had already found the mallet, and he answered nothing.

By Mr. JUSTICE HUMPHREYS—I still should like to know from you what Stoner said when you gave him Mrs. Rattenbury's message, which was, "Tell Stoner he must give me the mallet"?—Well, he did not have a chance to answer me, because I realised the police had got the mallet.

*Cross-examination continued* by Mr. O'CONNOR—He did not have a chance to answer. Did you say, "Oh, I see the police have got the mallet"?—I just remembered the police had the mallet.

You said that to Stoner?—Yes.

By Mr. JUSTICE HUMPHREYS—So that he did not answer?—No.

*Cross-examination continued* by Mr. O'CONNOR—Let us get this perfectly clear about what you said to Stoner about the mallet. The moment you had spoken to him, you added to him that the police had got it. Is that right?—Yes.

You never got a chance of saying that to Mrs. Rattenbury, did you?—No.

So that it was not on that occasion that Stoner said anything about the fingerprints and gloves?—No.

That occurred on what would be the following day, on the Tuesday?—It was the Tuesday following when he showed me the house that that happened.

The conversation about the mallet occurred on the morning when Mrs. Rattenbury was being taken to the police station?—Yes.

And the conversation with Stoner, I suppose, took place the next day?—Yes, that is so.

That was Tuesday, the 26th—the same day as you went to Wimborne, I think?—Yes.

There is just one other little matter that I want to ask you as to something that Stoner said to you. Did he say to you on some occasion after the Sunday, "I suppose you know who did it"?—Yes.

Was that on the Monday morning?—That was on the Monday morning.

# Evidence for Prosecution.

Irene Riggs

What did you say to that?—I answered, " Well? "

Was anything more said?—Nothing more was said.

Was that before or after Mrs. Rattenbury was taken away?—It was before.

While she was either having a bath or dressing or asleep?—Yes.

It was some time, you think, during that time?—Yes, and there was something else on the Tuesday, I remember? I asked Stoner why he had done it.

MR. JUSTICE HUMPHREYS—Wait a minute. Do you want to put any further questions, Mr. O'Connor?

MR. O'CONNOR—My lord, I think I will follow this up, if I may.

THE WITNESS—I should have said it when he asked me another question.

*Cross-examination continued by Mr. O'CONNOR*—What was it?—On the Tuesday I asked Stoner why he had done it.

What did he say?—He said because he had seen Mr. Rattenbury living with Mrs. Rattenbury in the afternoon.

By MR. JUSTICE HUMPHREYS—Let me have this. On the Tuesday, was it?—Yes.

Was he sober when he said that?—Quite.

*Cross-examination continued by Mr. O'CONNOR*—Was that on the Tuesday when you had been to Wimborne?—Yes.

Was it while you were in the car?—Yes.

Cross-examined by MR. CASSWELL—You had lived in this household for about four years before Stoner ever came to it, had you not?—Yes.

Had you been in previous households?—Yes. I was in one situation for five years and another for three.

Then you went to Villa Madeira?—Yes.

Did you find it a very curious atmosphere there indeed?—It was just a little unusual.

Had Mrs. Rattenbury been on the stage, do you know?—Not to my knowledge.

Did she ever tell you that she was a child impresario?—The concert stage.

Not, so far as you know, the actual stage?—No.

She used to do strange things, did she not, sometimes—walk about the garden late at night in her pyjamas?—No, I did not think it strange.

Did she sometimes stay up all night playing the gramophone?—Yes.

# Rattenbury and Stoner.

Irene Riggs

Did you think that was strange?—No, because I used to be with her.

All night long?—Yes.

In those days you often went about with her, did you not?—Yes.

In the car?—Yes.

And you stayed with her at a London hotel?—Yes.

I mean as a friend?—Yes.

In fact, in the summer of 1934 you were staying with her at a hotel, were you not?—I do not remember the year now, but I did stay with her.

I suggest to you it was shortly before Stoner went to work at the Villa Madeira?—Well, I had been away once or twice to stay at a hotel.

When you went away, you went more as a sort of friend than companion-help?—Yes.

Did that stop when Stoner came?—Yes.

From the time that Stoner appeared you did not go away with Mrs. Rattenbury so much?—Not quite so much.

Not at all, in fact?—I did, yes.

You never went away and stayed with her?—I did.

Where?—We went to Oxford.

That was in November, was it not?—I do not recollect the month.

I suggest to you it was about a month after Stoner had first been engaged?—Yes.

You and Mrs. Rattenbury and Stoner went and stayed at the Randolph Hotel at Oxford?—Yes.

How many rooms did you have?—Two—well, three with Stoner?

Are you sure it was three?—Quite sure.

Did Stoner and Mrs. Rattenbury then have inter-communicating rooms?—No.

Did you know even then, or did you know from that day onwards, they were sleeping together?—Yes, but they did not at the hotel.

You were sleeping with Mrs. Rattenbury at a hotel, were you?—I was in a communicating room to Mrs. Rattenbury's.

Are you quite sure that they did not sleep together on that night?—Quite sure.

Was not it almost as soon as that trip was over, that Stoner came to live in the house, the Villa Madeira?—Yes.

Did you approve of that?—I did not mind him living in the house.

You did not mind him being in the house, but you knew he was always going into her bedroom, did you not?—Yes.

## Evidence for Prosecution.

Irene Riggs

Did you approve of that?—Well, it was not my duty to approve or disapprove. It just hurt me.

By Mr. JUSTICE HUMPHREYS—How did it hurt you?—Well, just because Mrs. Rattenbury, shall we say, hurt my feelings.

*Cross-examination continued* by Mr. CASSWELL—You were not pleased, were you—perhaps naturally—having been a close friend of Mrs. Rattenbury's for about four years that suddenly this lad of seventeen should come in?—No.

You were not pleased about it, were you?—Not very.

I mean before that you used to call her "Jack," did you not?—Call her what?

"Jack"?—Never.

What did you call her?—I had no special name for her. I used to call her darling.

You have said that Mrs. Rattenbury and her husband got on well together except on one occasion. On that occasion did Mrs. Rattenbury have a black eye?—She had an injured eye, yes.

Had Dr. O'Donnell to be sent for?—Yes.

Had she bitten her husband's arm very badly?—Yes. I do not know whether she bit him, but she did something to his arm.

Because he was a quiet old gentleman, was he not?—He seemed to be, yes.

Did he not show you his arm and show how it was bitten?—He showed me his arm.

It was bitten, was it not?—I do not know.

And he said it was done by Mrs. Rattenbury, did he not?—Yes.

Dr. O'Donnell will perhaps be able to tell us the date. He was called in, was he not?—Yes.

Am I right in thinking that Mrs. Rattenbury kept to her room for about three days after that?—Yes.

And would not speak to her husband?—I do not know about not speaking to her husband.

By Mr. JUSTICE HUMPHREYS—This was at the same time—when Mr. Rattenbury said that his wife had bitten his arm she had a black eye?—Yes.

Did she say he had given her the black eye?—No, I do not remember.

*Cross-examination continued* by Mr. CASSWELL—Have you any idea about what time of the year that happened?—About a year or more ago, I should think.

Do you know a Mrs. Price who is the owner of the Villa Madeira?—Yes.

Do you remember her coming round to lunch one day and being asked to dinner, and when she arrived you said something

# Rattenbury and Stoner.

Irene Riggs

funny had happened to Mrs. Rattenbury? Do you remember that about October, 1933?—I can remember telling Mrs. Price that Mrs. Rattenbury was not at all well and could not see her.

Something suddenly had happened between tea and dinner, had it not?—I do not remember.

Just try. Mrs. Price was there in October, was she not? She was often there?—Yes.

She was there to lunch and tea one day, and coming back to dinner when she was met by you to say that something had happened to Mrs. Rattenbury?—I do not remember her coming back to late dinner.

Do you remember her having dinner alone with Dr. O'Donnell at the Villa Madeira because Mrs. Rattenbury was not there?—I remember that night.

Where was Mrs. Rattenbury?—In bed.

Had she had a sudden attack?—Yes.

What sort of attack?—I do not quite know what it was.

Mr. JUSTICE HUMPHREYS—I do not quite know what you want me to take out of this. All I have got is on a day which may have been in October, 1933, Mrs. Rattenbury had some sort of attack, apparently, because she was in bed. Is that all?

Mr. CASSWELL—No, my lord. What I am suggesting to this witness is that Mrs. Price had been there already that day most of the afternoon.

The WITNESS—Yes, but I do not recall it.

*Cross-examination continued by Mr. CASSWELL*—Do you recall a day when Mrs. Price was there to lunch, and then came back to dinner and found that something had happened to Mrs. Rattenbury? If you do not, say so?—No. I remember her coming to lunch, but not coming back again.

Was that the day you were thinking of when something happened to Mrs. Rattenbury and she had a sudden attack?—Yes.

Let me see if I can suggest to you what these sort of attacks were—that suddenly she became very excited and used to run about a good deal?—Yes.

And that would last for a bit of time and then she perhaps would get drowsy and go to sleep?—She would always be in bed, yes.

What I am suggesting is that every now and again she had sudden attacks and got very excited?—Yes.

And ran about?—Yes.

Just as if she had taken something?—Yes.

And then at the end of the attack she would go to bed, would she?—Yes.

And that used to happen, say, two or three times a month, did it not?—Not quite so often as that.

## Evidence for Prosecution.

Irene Riggs

Do you remember when there was a chef there called Davis?—No, I do not remember him. He was not there in my time. It was before my time.

Before Stoner came, I suppose there was a chauffeur, was there?—No.

Who drove the car then?—Mr. Rattenbury.

Did anybody else come and drive it sometimes?—No.

You have evidently given a statement to someone, have not you—a very long statement?—All I said in my statement was what I have given to the police.

Do you mean to say that you have given your statement to no one but the police?—Yes.

Are you sure of that—that you gave a statement to no one except the police?—I have made no written statement to anyone.

Have you made a statement by words to somebody else than the police?—Yes, of my own accord, but I cannot say when.

You say you left the Villa Madeira that afternoon about four to half-past?—About four o'clock.

Mrs. Rattenbury was in her bedroom?—Yes.

Had she only got her pyjamas on?—Her pyjamas were a three-piece suit, rather a pyjama suit top and a long Yvonne three-quarter coat.

Was that what she used to go about in?—Yes, frequently.

It did not mean she was ready for bed?—Not necessarily.

Could you tell us whether she had on anything underneath or not?—I could not say.

This was March, was not it—24th March?—Yes.

Was it usual for her to go about in her pyjamas in the house during the day?—Quite usual.

When you saw her at night, was she in the same pyjamas?—Yes.

You came back, as I understand, about 10.15 at night?—Yes.

You let yourself in, went upstairs, and then went downstairs. You said you were going to the kitchen. What were you going to the kitchen for?—For something to eat, I expect. I do not remember.

But you never got to the kitchen, did you?—No.

You were stopped, as I understand, because you heard somewhat unusual breathing?—Yes.

And you listened to see if you could find where it came from?—Yes.

Then you went into Mr. Rattenbury's room and switched on the light?—Yes.

Was that a usual thing for you to do?—No, unusual.

Why did you do it then?—Because I had a premonition that something was wrong.

Had you ever done it before?—No.

When you turned up the light you saw that he was not in bed, and the bed had not been slept in, I suppose?—Yes.



# Rattenbury and Stoner.

Irene Riggs

And the drawing-room door was open?—I do not know.

Do you not know whether it was open or shut?—I cannot say.

Did you not listen at it?—Oh, the inside drawing-room door was open a little.

Having had a premonition, and having heard this unusual breathing, you did what you had never done before, you went into your master's room and turned up the light?—It was not necessary to go right in. I looked round the door.

Why did you not go into the drawing-room?—Because I thought he was asleep in the chair, and I did not want to disturb him.

Did your premonition stop then? You thought it was all right?—Yes, it relieved me a bit.

Did you go after seeing that there was no one in his room and listen at the drawing-room door?—Well, I could hear. I just wanted to see which room the breathing was coming from. They are quite close together and I could not tell which it was.

But having turned up the light you were quite sure it was not coming from his bedroom. Did you go into the kitchen then?—No.

Were you quite satisfied that all was well?—Yes.

You forgot all about what you were going to have to eat and went upstairs?—I did.

As I understand it, it was after that that you came out of your room again and saw Stoner in his pyjamas?—Yes.

He had not been wearing his pyjamas all day, had he?—No.

And I suppose you had been making a certain amount of noise downstairs, had you not?—No, I was very quiet.

When you first saw him, was he just coming out of Mrs. Rattenbury's room?—I do not know where he came from.

Did you suspect that he had come from there?—No, I did not give it a thought.

It would not be unusual, would it?—No.

He was very fond of Mrs. Rattenbury, was he not?—Yes.

Had you ever heard him have any sort of row with Mr. Rattenbury?—No.

Was there ever any suggestion that Mr. Rattenbury knew what was going on between his wife and this lad?—Not that I know of.

He slept downstairs, did he not?—Yes.

So far as you know, Mr. Rattenbury was making no trouble and there was no difficulty?—No.

Am I right in saying that Stoner used to play Patience with him?—I do not know.

He used to go in and sit with the old gentleman sometimes, did he not?—He may have done that when I was not there.

It was suggested by learned counsel for the prosecution that Stoner disappeared off the map almost. As a matter of fact, after you had gone down and found Mrs. Rattenbury in this very excited state both of you called for Stoner?—Yes.

And it did not take long for him to come down, did it?—No.

## Evidence for Prosecution.

Irene Riggs

And by that time he had got trousers on, at any rate?—Yes.

By that time you had phoned to Dr. O'Donnell?—The first time, yes.

And Stoner went off in the car to try and hurry him up?—Yes.

I think I understood you to say that you did not quite realise how soon Stoner had come back. I suggest to you that he came back very shortly after having arrived at Dr. O'Donnell's. Finding that the doctor had left, Stoner came back soon after him?—It could not have been long after.

Then it is quite clear, is it not, that when Dr. O'Donnell made his examination Stoner took him to the Strathallen Nursing Home?—I do not know about that.

It is suggested to you that perhaps Dr. O'Donnell went in the ambulance and Stoner followed on, but you do not know?—No, I would not be sure.

When Dr. O'Donnell came back there was an astonishing state of affairs going on, was there not?—Yes.

The radio-gramophone blaring full on, was it not?—Not to my knowledge.

Do you say it was never played that night?—I did not hear it.

I suggest when Dr. O'Donnell came back from the Strathallen Nursing Home that the gramophone was blaring away playing "Dark Haired Mary," or something like that?—I did not hear it.

After Stoner had brought the doctor back, or appeared soon after the doctor came from Strathallen, Stoner was there all the rest of the night, was he not?—Yes.

Were not you and he in the kitchen?—We may have been.

Cannot you remember?—No. We were all round the house that night.

But there is no suggestion Stoner was keeping away; he was there just as much as you, was he not?—Yes.

With regard to the question of the mallet, do you remember a Mrs. Almond being there as a nursemaid? She was there up to a day or two before Stoner went, was she not?—Yes.

During her time, whatever it was, a canvas sun shelter was put up, was it not?—I expect it would be.

That was about the 24th or 25th of September, and was it not a great nuisance keeping the pegs in?—They would slip out, yes.

At that time there was no mallet on the premises, was there?—No.

Mrs. Rattenbury was the sort of lady who would put up a shelter in March, when others would not put it up till June?—No, she would only put it up on very hot days when the little boy could sleep out.

Was the 24th of March quite a hot day?—I do not know; I cannot remember.

You cannot remember that morning, perhaps, but you went out

# Rattenbury and Stoner.

Irene Riggs

in the afternoon. I suggest it was one of the first hot days this year?—I do not know; I cannot remember.

You have told us, of course, something which is not evidence against Stoner, but which was brought out by my learned friend Mr. O'Connor for some reason or other he himself knows, and that is, as Mrs. Rattenbury went out of the door, when Stoner was not there, she whispered to you something about, "Tell Stoner to give me the mallet"?—Yes.

"He must give me the mallet"?—Yes.

And you say also that she was not herself at the time?—Not quite herself, no.

She was going away to the police station, was she not?—Yes.

How could anyone bring a mallet to the police station?—I suppose she wanted it before she left.

She wanted it before she left, but it was not until she was being taken away by the police-matron and the police officer that she told you to tell him he must give her the mallet?—It was when the police were outside the room.

When the police-matron was outside the room?—When she was getting ready; she was not quite ready to go.

By Mr. JUSTICE HUMPHREYS—There was no policeman actually in charge of her at that moment?—No, nobody knew she said it to me.

*Cross-examination continued by Mr. CASSWELL*—Did you tell the police about it?—No.

Why not?—I did not remember it at the time I was giving my statement.

Afterwards you said to Stoner something about fingerprints on the mallet?—Yes.

Did you know at that time that he had brought that mallet, had collected it at his grandmother's and brought it back in the car with him?—Yes.

Did you know also that fingerprints would last for a long time?—I heard they would.

So when you asked him about fingerprints he may have thought of that time, may not he?—I do not know.

Did he wear gloves as a chauffeur?—Yes. I do not know whether he always wore them, but he had them.

Just one other thing. Mrs. Rattenbury came into your room that night. It was quite a usual thing for her to do, I understand?—Yes.

You had then been in the house for about a quarter of an hour or twenty minutes?—About that.

Were you asleep?—No.

Are you quite sure of that?—Quite sure.

## Evidence for Prosecution.

Irene Riggs

Then the next thing you heard was somebody rushing downstairs in a hurry?—Yes.

Did you hear a sudden yell—a groan—before those steps went downstairs?—No.

Re-examined by Mr. CROOM-JOHNSON—Go back to the occasion when you say you went along to Stoner's bedroom to see what was happening between Mrs. Rattenbury and Stoner, the occasion when they had started quarrelling in Mrs. Rattenbury's bedroom. You told my learned friend, Mr. O'Connor, that when you got there Stoner had hold of Mrs. Rattenbury?—Yes.

Can you recollect on that occasion how the two of them were dressed?—She had her kimono on, a dressing-gown. I think he was fully dressed in his outdoor clothes.

Just tell me about this three-piece suit. Are there pyjama trousers?—Yes.

And a pyjama coat?—Top coat, yes.

What is the third garment?—Like a jumper arrangement—not a blouse, but like a jumper arrangement.

Like the little thing you see ladies wearing on the beach sometimes, a little short coat?—No, quite a long coat.

With sleeves or without sleeves?—Without sleeves.

When you switched up the light in Mr. Rattenbury's bedroom, you saw a suit of clothes on the bed?—No, hanging up in the wardrobe, as far as I can remember.

Is that a place where suits of clothes were frequently hung up in Mr. Rattenbury's bedroom?—Only when he was going away.

Did they often go away?—Mr. Rattenbury went more often by himself.

Can you give us any sort of idea when Mr. and Mrs. Rattenbury had been away together last before the day when they were supposed to be going, which would have been 26th March?—No, I cannot recall that.

Had they been away together since Stoner had come to live at the house?—I do not think so.

Before that, used they to go together frequently or not?—Well, not very frequently.

And you thought when Mrs. Rattenbury came into your room she was a little excited?—Yes.

As if there was something a little unusual, do you mean, or what?—Yes.

You do not mean excited by drink or anything of that sort?—No.

(At this stage the articles of clothing referred to as the three-piece suit were exhibited to the jury and marked Exhibit 44.)

You knew Mrs. Rattenbury pretty well. Can you give the

# Rattenbury and Stoner.

Irene Riggs

members of the jury any assistance as to whether she usually, when she wore those three articles of clothing, wore anything underneath them?—Yes, sometimes she wore a little woolly vest, and perhaps a brassière as well.

Was that in the daytime?—Yes.

On this night when you found her in the drawing-room with Mr. Rattenbury late at night, as far as you could see had she got anything on underneath those garments or not?—Well, one could not tell.

According to your recollection, did Stoner come back between the time when he went off to bring the doctor back and the time when Dr. O'Donnell returned to the house about a quarter to four?—He was back, I feel sure, before Dr. O'Donnell.

I want you to tell us, one way or the other, whether you observed Mrs. Rattenbury have any conversation with Stoner?—No, I do not recollect.

According to you there was a time when there were neither police officers nor doctors in the house. Does that mean that there were police officers outside the house, or that they had gone away altogether?—Well, outside the house somewhere, I suppose.

And it was during that time you say that she tried to get out of the house?—Yes.

You said she was trying to get after the policeman?—Yes.

What policeman do you mean?—The one policeman that was left in the house.

Did you hear her have a conversation with the policeman the first time that he arrived?—Yes.

Did you hear her say anything to the policeman about a sum of money?—No.

You think that at the end of ten minutes or a quarter of an hour the policeman came back again?—Yes.

You told us that Stoner had said to you that he had seen Mr. and Mrs. Rattenbury live together that Sunday afternoon?—Yes.

Did he tell you anything more about it than that?—No.

By Mr. JUSTICE HUMPHREYS—You have told the jury that Mrs. Rattenbury was sometimes excitable, and sometimes drank too much alcohol?—Yes.

And that she had drinking bouts. How long had that lasted—all the time you were there?—Yes.

About how often did she have drinking bouts?—Sometimes she would go a month or so without having one.

And sometimes it was more often than once a month?—Yes.

You also told the jury that at times she had what you call sudden attacks, when she got very excitable and ran about, and afterwards used to go to bed and sleep. Were those occasions when she had been drinking?—Yes, more or less.

Did it seem to you that her condition at those times was due

## Evidence for Prosecution.

Irene Riggs

to drink?—Yes, I always thought so.

That is what it seemed like. Did you ever know her take drugs. Things like cocaine, morphia, and heroin?—No, not to my knowledge.

With regard to Stoner, you have told us that after this tragedy on at least one occasion he was drunk. Had you ever seen him drunk before the 24th of March, or under the influence of drink at all?—No.

No sign of it at all?—No.

On the night of the 24th, or the early morning of the 25th, did you notice him as being under the influence of drink?—No.

When did you first notice him as being in that condition?—On the Wednesday before he went away.

He was arrested on the Thursday, was he not?—Yes.

That was the day before his arrest?—That was the only time I ever saw him drunk.

MR. JUSTICE HUMPHREYS—I think I am right in saying that somebody else says on the night of the 24th or the morning of the 25th he was in that condition. It may be that I am mistaken.

MR. O'CONNOR—No, my lord.

By MR. JUSTICE HUMPHREYS—Then that is the only time, on the Wednesday, that you saw him under the influence of drink?—Yes. All the time you have known him?—Yes.

You knew Mr. Rattenbury quite well?—Yes.

Was he an invalid?—No.

Was he a healthy man of sixty-seven?—As far as I know, yes.

He was able to walk about?—Yes.

Did he seem to enjoy himself?—Yes.

Did he go about like an ordinary person and take enjoyment in things?—He did not go away so much, but he enjoyed himself in a quiet way.

He was not confined to his room or the house, or anything of that sort?—No.

I want you to tell me the date as near as you can when Mrs. Rattenbury told you that Stoner threatened her life. When did she tell you that?—I have really no idea.

No idea of what?—I could not possibly to a day.

You cannot give me a date?—No.

You see Stoner only came there in September, did he not?—Yes.

And this happened in March. He was only there about six months?—Well, we will say about two months ago from March.

That was after Christmas?—Yes.

Did she tell you that once or more than once?—More than once.

And at that time you knew they were living in an improper way together, misbehaving?—Yes.

## Rattenbury and Stoner.

Irene Riggs

Did you ask her what the explanation was?—I told her not to be so silly.

You did not take it very seriously?—Not very—not till afterwards.

Further cross-examined by Mr. Casswell—About the box which was labelled “ Air pistol,” did you ever see a pistol in that box?—No.

So all you saw was a box going out with “ Air pistol ” on the outside of it?—Yes.

Had you any reason to believe there was a pistol in it?—None whatever.

The Court adjourned.

## Second Day—Tuesday, 28th May, 1935.

WILLIAM GEORGE BUDDEN, examined by Mr. CROOM-JOHNSON—I am a police officer in the Hampshire Constabulary, stationed at Bournemouth. On the evening of 2nd April, 1935, acting on instructions, I went to No. 5 Manor Road, Bournemouth, accompanied by a solicitor representing the solicitor who was acting for the accused Stoner. I made a search of the premises. Among other articles I found a hypodermic syringe. I produce it. I found it in a small washstand cupboard which apparently had been used as a medicine chest. It was in the bedroom occupied by Mrs. Rattenbury (marked Exhibit 45). I also found a writing pad in Mr. Rattenbury's room, and a sketch in Mrs. Rattenbury's room upstairs (sketch marked Exhibit 46).

Cross-examined by Mr. CASSWELL—In that case containing the hypodermic syringe there are needles as well, are there not?—Yes.

And, as regards the sketch, was that found in the chest of drawers together with some other drawings?—Yes.

In Mrs. Rattenbury's room?—Yes.

It is a sketch, is it not, of a boy sitting up in bed holding up a sixpence?—Yes.

And there is a man leaning over him threatening him with a stick, and it looks as if the man has put a long hypodermic needle right through his arm?—That is so.

IRENE RIGGS further cross-examined by Mr. CASSWELL—(Shown the hypodermic syringe). We have been told that that was found in something in the nature of a medicine chest in Mrs. Rattenbury's room. Have you seen that before?—Yes.

Where did you see it?—It has always been at the very back of the cupboard, and was never used, to my knowledge.

Have you never seen it used?—Never.

In that cupboard were there medicines that were used?—Yes, for everybody to use.

You mean to say that no attempt was made to hide that case?—No, no attempt at all.

Was the case shut (referring to the case containing the hypodermic syringe)?—Yes, the lid was on.

Did you know what was inside it?—I guessed what was inside it. I always have known.

How did you know?—You do not use a cupboard and not know what is in a thing.

Will you repeat that?—I said, as a rule, as you turn out a cupboard, you cannot very well pick up a thing and not know what it is.



## Rattenbury and Stoner.

Irene Riggs

When you pick it up, you naturally look in it to see what it is?—I do not remember looking inside.

You knew what was inside?—Yes.

(Shown sketch). Have you seen that before?—I cannot say I have actually seen it before, but there are lots in the house similar.

Do you mean there are lots of drawings of that sort of subject?—Yes—all weird.

What?—All the boy's drawings were weird.

Whose boy's drawings?—Mrs. Rattenbury's boy's drawings.

Do you know what boy did them?—The elder boy, Christopher.

He is the one about thirteen or fourteen, is he not?—Yes.

Can you remember any other drawing which had a hypodermic syringe in it?—No, but it is just the type of thing he naturally would do.

It may be that you know. If so, tell me why Christopher should know about a hypodermic syringe?—I have no idea. He has been in a nursing home.

Lately?—Not so very long ago.

Further cross-examined by Mr. O'CONNOR—You told us that the little case used to stand at the back of the medicine chest. Did you ever see it out on Mrs. Rattenbury's table, or anywhere about the room?—No.

Did you ever see any indication that it had been opened or used during the whole of the four years you were with Mrs. Rattenbury?—Never.

Christopher was the boy who was at school. Do you know whether he has had any injections or not while he has been at home?—Yes, he did have injections in his leg. He had a bad leg and I believe he had injections for his leg.

Who gave those injections?—I cannot recall.

About how long ago was that?—About a year or two ago.

Dr. WILLIAM O'DONNELL, examined by Mr. HAWKE—I am a registered medical practitioner in practice in Bournemouth. I had attended Mrs. Rattenbury and her children for two and a half years. On Sunday, 24th March, I got a telephone call at half-past eleven at night, and in consequence of that call I went to Villa Madeira, 5 Manor Road. I arrived there at 11.45. The door was open. When I got in, I went to Mr. Rattenbury's room, which was down at the end of the passage—the hall. I walked straight down into the room. I think there was only Mrs. Rattenbury there when I first went in. The deceased, of course, was there. He was lying on his bed. Mr. Rattenbury was partially dressed. He had some bedclothes over him, and in removing his coat and waistcoat I found that his trousers had been removed. There was a blood-stained towel wrapped round his head. His head was bathed in

## Evidence for Prosecution.

Dr William O'Donnell

blood, which was clotted and clinging to his hair, and I could not make any proper examination there. He was unconscious—laboured breathing. His left eye was very contused, purple, and swollen. His pulse was slow and very irregular.

You told us Mrs. Rattenbury was there?—Yes.

What condition was she in?—Very excited and inclined to be intoxicated.

Had she got any materials for becoming inclined to be intoxicated with her?—Yes.

What had she got?—She had a whisky and soda in a glass in her hand.

How was she dressed?—In her pyjamas without any shoes.

Had she anything over the pyjamas?—No.

Did you speak to her when you saw her?—I did.

What did you say?—I asked her what had happened.

What did she say?—She said, "Look at him, look at the blood; somebody has finished him." There is a surgeon in Bournemouth called Mr. Rooke, and I thought it was a case for Mr. Rooke's immediate attention. I rang him up on the phone and told him I was sending my taxi on for him, would he come at once. That would be about five minutes to twelve. Meanwhile I helped to remove Mr. Rattenbury's coat and waistcoat. The taxi-driver and Mrs. Rattenbury were then present. After we had taken off his coat and waistcoat, I went out of the bedroom into the sitting-room or drawing-room. When I went into the drawing-room there were Irene Riggs and Stoner there and Mrs. Rattenbury who had come out of the bedroom with me. I think Stoner came in when I was there. I could not say whether Stoner remained in the drawing-room for any length of time. At any rate, I am sure that he came back into the drawing-room after I was there. There was some conversation between Mrs. Rattenbury and the maid while I was in the drawing-room. Mrs. Rattenbury was telling the maid to wash up the blood which was on the carpet. Most of it appeared to have been washed up before I got there. The blood on the carpet was by the side of his chair. That is the armchair by the fireside. There was also blood on the chair. I think the cover of the chair was removed while I was there.

Did you discuss with Mrs. Rattenbury, or did she discuss with you, anything that had happened that evening before you arrived?—Yes. She told me that she and Mr. Rattenbury had had a very happy evening, that they had arranged to go down to Dorset the following day. Monday, to stay with a Mr. and Mrs. Jenks, and that Mr. Rattenbury was very happy at going away on the Monday.

Did she draw your attention to anything in the room while she was talking to you?—She did. She told me that he had given her a passage in a book to read about suicide.

A passage about suicide?—Yes. She tried to show me the book which was then on the piano in the sitting-room, and I told her I

# Rattenbury and Stoner.

Dr William O'Donnell

did not wish to see it, that I had not the time to bother about it (shown Exhibit 6). That appears to me to be the book. I did not read the title. It is a similar sort of book to the one I saw. The book was shut when she was drawing my attention to it. She opened it, and then I said, "I do not wish to see it," and she closed it and put it back on the piano.

Did she say how she came to find Mr. Rattenbury in the condition that she found him in?—Yes. She told me that she had gone to bed early. I do not think she mentioned the time. She told me that she had been aroused by, I understood her to say, a cry or a noise, but I would not swear which it was, and that she had run downstairs.

Did she say what she found?—That she found him lying back in his chair, with a pool of blood on the carpet by his chair, and his artificial teeth had fallen out on the carpet.

You telephoned to Mr. Rooke?—Yes.

What time did he arrive?—I should think it was about twelve o'clock, or five minutes past twelve. I would not be certain.

When he came I think you made a superficial examination of Mr. Rattenbury. You could not do much at the time?—Yes. We were waiting for the ambulance to come. Mr. Rooke went away to get his instruments ready and I waited and went in the ambulance.

When you got to the nursing home, was Mr. Rattenbury taken straight to the operating theatre?—He was.

And was he there examined by Mr. Rooke and yourself?—Yes. Mr. Rooke shaved his head. It was necessary to do that to find out the damage that was done. That was because of the matted blood and hair about the head.

Did you notice after his head was shaved that he had injuries on his head?—I noticed that he had three distinct separate wounds on the back of his head.

We will get the details of them from Mr. Rooke, but where were they, so that the jury may know?—There was one on the left side, there was another not quite in the median line, and another a little farther over on the right.

Were they serious injuries?—Yes.

When you saw those injuries, did you telephone to the police?—Yes, I could see it was external violence and not due to accident.

Later, after you had telephoned to the police, did you return to Manor Road?—I did. Stoner drove me back in Mr. Rattenbury's car at 3.30 a.m.

Do you know how Stoner got to the nursing home?—Yes, he was to have driven me to the nursing home, and after I was finished at the nursing home he was to have driven me back, but as he did not know where the nursing home was he followed the ambulance in Mr. Rattenbury's car and waited outside while we were inside.

At what time did you get back to 5 Manor Road?—About 3.30 a.m.

## Evidence for Prosecution.

Dr William O'Donnell

Did you see Mrs. Rattenbury?—I did.

How was she dressed then?—She was dressed in her pyjamas, with a light dressing-gown or a dressing-jacket and shoes—slippers or shoes.

What sort of condition was she in by this time?—Very intoxicated.

Did you give her any treatment?—I did. I sent her up to bed and gave her half a grain of morphia.

Hypodermically?—Yes, in the arm.

After you put her in bed, what did you do?—I went downstairs.

Did Mrs. Rattenbury stay in bed?—No. I went downstairs to the kitchen and I was talking to Riggs and Stoner to see if I could find out anything, and then after, I should say at a guess five minutes, I returned to the sitting-room.

When you got back to the sitting-room, who was in there?—I found Mrs. Rattenbury had left her bed and come down to the sitting-room.

Was anybody else there?—Yes, P.-C. Bagwell, I think, and Inspector Mills.

Was any conversation going on?—Yes.

Who was speaking?—Inspector Mills.

Who was he speaking to?—To Mrs. Rattenbury.

What did he say?—He asked her, "Do you suspect anybody?" Her reply was, "Yes." He asked, "Whom do you suspect?" and she replied, "I think his son did it."

By Mr. JUSTICE HUMPHREYS—At this time she was, as I understand your evidence, unquestionably very much under the influence of drink?—Yes.

Actually intoxicated?—Actually intoxicated, and at this time she had had one half-grain of morphia.

*Examination continued*—Did Inspector Mills say anything when she said that?—Inspector Mills asked, "What age is his son?" and her reply was, "Thirty-six years of age." Inspector Mills then asked her, "Where is his son?" and she said, "I do not know."

Did you take any part in this conversation?—I did.

What did you say?—I asked Inspector Mills if he had cautioned this lady, and his reply was, "No." I then said, "Look at her condition. She is full of whisky and I have given her a large dose of morphia. She is not fit to make a statement to you or to anybody else."

Did you then put her to bed?—I sent her up to bed.

And this time she stayed there and you left the house?—I left the house after that.

Cross-examined by Mr. O'CONNOR—Can you give me as nearly as

# Rattenbury and Stoner.

Dr William O'Donnell

possible the time of the last conversation you had with Inspector Mills?—It must have been before four o'clock in the morning.

So that it was at four o'clock in the morning that you had come to the definite conclusion that she was not fit to make a statement to him or anybody else in the world?—Yes.

You have known Mrs. Rattenbury for a number of years, I think—since 1932, two and a half years?—Yes.

During that time you have attended her continuously, I think, as her medical attendant?—Yes.

And you have had the advantage of seeing X-ray photographs of her chest and lungs, and so on?—Yes, I had them done.

Because she has suffered, I think, chronically from chest trouble?—Yes.

During the whole of that period have you ever seen the slightest sign or indication of any description that she was a drug addict?—I have not.

By Mr. JUSTICE HUMPHREYS—When you gave her the hypodermic injection, did you notice any sign that she was in the habit of using a hypodermic syringe?—No.

*Cross-examination continued* by Mr. O'CONNOR—You have examined her body on several occasions?—Many occasions.

Have you ever seen any sign or suggestion of any sort that there were marks of a hypodermic needle?—Never.

Did you attend Mr. Rattenbury sometimes?—No.

Did you hear at any time that he had threatened suicide?—He told me that he had many times thought of committing suicide.

Was there one occasion at least on which Mrs. Rattenbury told you that her husband had left the house threatening suicide?—Yes, on 9th July, 1934.

Was she distressed on account of those threats?—No.

She was not distressed?—I will not say that, but I think it requires explanation.

What is the explanation?—I was sent for on the evening of 9th July at twelve o'clock midnight, and I found Mrs. Rattenbury very distressed. I found her with a black eye and a cut over her eye. I asked her what was the matter, and she told me that Mr. Rattenbury had struck her. I dressed her eye and sent her to bed and gave her a quarter of a grain of morphia to quieten her so that I might be able to get out to see if I could find Mr. Rattenbury.

You told my friend she was very distressed?—Yes.

I think you thought sufficient of what she reported of the threat to go and see the police about it?—I hunted about the cliffs myself with Miss Riggs and could not find him.

Was that the only occasion, except the night of the 24th, on which you have injected a drug into Mrs. Rattenbury?—Yes.



*(Graphic Photo, Union*

**George Percy Stoner**

# Evidence for Prosecution.

Dr William O'Donnell

That was a quarter of a grain of morphia?—Yes.

What was her reaction to that injection?—She had about eight hours' sleep after it.

Did you see her after she woke up?—I saw her the next morning.

What was her condition then?—Peaceful and calm.

Clear-headed?—Yes.

After eight hours of sleep?—Yes.

Speaking generally, how would you describe her temperament?—Uneven.

Excitable?—Yes, very.

As her medical attendant, and one who has had every opportunity of seeing her temperament at close quarters, do you think it would be possible for Mrs. Rattenbury to take part in a crime of this description and then act perfectly peacefully and normally with her maid?—I do not consider it possible.

Have you ever seen her in a condition as excited as she was on that night?—No.

What were her habits as regards drink?—Occasionally she had too much.

She was not a chronic drunkard, but had bouts?—No—occasionally.

Did she tell you that Stoner was her lover?—She did.

What date was that?—12th February, 1935.

Did she tell you of anything that Stoner had tried to do to her?—Yes.

What did she say?—She told me that he had tried to strangle her.

That was on this occasion of 12th February, 1935?—Yes.

Did she tell you anything that Stoner had told her about what he did?—She told me that she believed he must be taking drugs. She told me that he had gone to London that day she believed to try and procure more drugs.

In consequence of what she told you, did you see Stoner?—She asked me to see Stoner, and, if possible, find out what drugs he was taking, and to warn him of the effects.

Did you see Stoner the following day?—I did.

What did you say to him, and what did he say to you?—I told him that I was informed that it was believed that he was taking drugs, and asked him if he would tell me what drug he was taking, and he said, "Yes, cocaine."

Did you ask him where he had picked up this habit?—I asked him where he had learned this habit, and he told me that he had found some cocaine at home, that he had sampled it, that it gave him pleasant sensations, and that he had carried on with it when he could get it.

Did you warn him?—I did, and offered him help if he wished to give it up.

# Rattenbury and Stoner.

Dr William O'Donnell

By Mr. JUSTICE HUMPHREYS—Did he accept your help?—No, my lord.

*Cross-examination continued* by Mr. O'CONNOR—Going back to the night of the 24th, you arrived in a taxi, and, as I understand your evidence, the taxi-driver helped you to get off Mr. Rattenbury's coat and waistcoat?—Yes. Mr. Rattenbury was heavy, and I sent out for the taxi-driver to assist me.

When you arrived there, Stoner was not in the house; he, as we know, had gone to fetch you, and you had come separately?—He had called at my house while I was away. I ascertained that later.

About how long after you arrived did Stoner turn up?—I could not say exactly.

Was it many minutes?—Not very long.

You, I suppose, were at that time chiefly concerned about Mr. Rattenbury?—Yes.

There has been some suggestion that it would not appear that his injuries were very serious when you first saw him. What view did you form of his injuries when you saw him?—I thought of the possibility of his having fallen and hit his head against the piano, or some article of furniture.

Was it quite clear that his injuries were serious?—Well, he was unconscious. Yes, I looked on it as serious.

When Stoner arrived, had he got a collar on?—No, I do not think he had.

How was he dressed with the exception of not having a collar on?—He appeared to me to have a grey suit on.

It was not that he had just got a pair of trousers on and a shirt?—No.

Mrs. Rattenbury, I imagine, was in the way; she was not much help to you in the examination you were making?—No.

She was intoxicated?—Yes.

Was she playing the gramophone?—Not when I arrived there at first.

Was she in a wildly excited condition?—Yes.

Was she talking coherently?—She was talking about poor Ratz, her husband, and she talked about sending him to a nursing home—coherently, yes.

Had she a bottle or a glass of whisky in her hand?—Yes, a tumbler of whisky and soda.

And was she drinking it from time to time?—Yes.

More or less continuously?—I will not say continuously. She had one while I was there.

Mr. Rattenbury was in the bedroom when you got there?—He was there when I got there.

About how long were you in the house before Mr. Rooke came?—I should imagine less than a quarter of an hour.



# Evidence for Prosecution.

Dr William O'Donnell

During that time was Mrs. Rattenbury in and out of the room?  
—Yes.

She was not in the room all the time?—No.

After Stoner arrived, she was not in the room all the time, nor was Stoner?—I do not think so.

So that there was an interval before Mr. Rooke arrived when neither Stoner nor Mrs. Rattenbury was under your observation?  
—That is possible, yes.

How long was Mr. Rooke in the house before you went with the ambulance to the nursing home?—Mr. Rooke went before the ambulance took Mr. Rattenbury away. I should think it would be about half an hour.

So that there was half an hour during which, I suppose, you and Mr. Rooke were in the bedroom with Mr. Rattenbury?  
—No, I do not think Mr. Rooke was half an hour in the bedroom.

Until the time that Mr. Rooke left to go and get his instruments, were you and he in the bedroom together with Mr. Rattenbury?  
—Yes.

Was anybody else there during that time?—Mrs. Rattenbury was there.

All the time, or in and out?—All the time, I think.

You were chiefly preoccupied, naturally, with your patient?  
—Yes.

During that time did you see Stoner?—I saw him pass down the passage, and I saw him pass out of the sitting-room.

I do not suppose you could swear to it that Mrs. Rattenbury was not in and out of the room?—No, I could not swear to it.

Then the arrangement was, I think, that you should go in the ambulance and that Stoner should follow in the house car for the purpose of bringing you back?—That was my own direction.

To whom did you give that direction, to Mrs. Rattenbury or to Stoner?—To Mrs. Rattenbury and Stoner. They were both there at the time.

Mr. Rooke went away. You do not happen to remember the time you arrived at the nursing home, do you?—Before one, I think it was.

How far away is it?—About half a mile.

You went in the ambulance so it would be a matter of a minute or so. It must have been a few minutes before one when you left the house?—Something like that. I would not swear.

And you remained at the nursing home until a minute or so before half-past three?—No, 3.15. I noticed the clock on the stairs as I was leaving the nursing home.

At 3.15 or thereabouts at the nursing home did you and Mr. Rooke see Inspector Mills?—Yes.

On the stairs, I think?—No, in the ante-room to the operating room.

# Rattenbury and Stoner.

Dr William O'Donnell

Did he say anything to you about Mrs. Rattenbury's condition?  
—Yes.

What did he say?—He said, "I have been down to Manor Road. That woman is drunk."

That was just as you were going back. You went back with Stoner?—I went back with Stoner.

Do you remember when you got to the car outside the nursing home whether Stoner was awake or asleep?—He was awake. He opened the door for me.

When you got back to Manor Road at half-past three, describe what Mrs. Rattenbury's condition then was?—She was very excited.

Was the gramophone playing?—The radio-gram. She was running about in the passage when I arrived there.

Running about?—Yes, staggering about. I counted four officers in the house, and she was running about amongst them from one room to another.

Talking to them sensibly, or incoherently, or what?—I tried to explain to her the condition her husband was in, and she could not take it in.

And it was that that drove you to the conclusion that the only right thing to do was to give her half a grain of morphia and put her to bed?—I thought the only thing to do to stop the exhibition was to give her half a grain of morphia and send her to bed.

Half a grain is a very substantial dose?—Yes.

A dose which is likely to be effective, and which would persist for some considerable period of time?—It should do.

Would you be surprised in the case of Mrs. Rattenbury to know that the effect persisted for as long as three or four days?—No, I would not.

She came downstairs after you had given her this dose?—Guessing the period, five minutes afterwards. I cannot say when she came down. I was not there.

You had gone into the kitchen, and you found her when you came back into the room?—I found her there about five minutes afterwards.

And that was the last you saw of her?—Yes, after she went to bed for the second time: I saw her up to bed.

Was she able to walk easily?—No, she had to be led up the stairs.

Did you see her the next day?—I did, at one o'clock in the afternoon.

Tell my lord and the jury in what condition you found her at one o'clock on the following afternoon?—She could not walk, she had to be supported into the room where I was, a police-matron supporting her on the one side and Inspector Carter on the other.

# Evidence for Prosecution.

Dr William O'Donnell

By Mr. JUSTICE HUMPHREYS—Where did you see her?—At the police station.

*Cross-examination continued* by Mr. O'CONNOR—Did she try to vomit?—She could not stand; she tottered when she tried to stand.

Did she sway about?—She swayed about.

Was she trying to vomit?—She tried to be sick.

What were her reactions to light?—The only thing I noticed was her pupils were contracted.

At that time, one o'clock on the following afternoon, was she dazed?—Yes.

Was she in a fit condition then to make a statement?—I do not consider so.

What do you say as to her fitness to make a statement at six, seven, or eight o'clock that morning previous to your examination?—I should not place any credence on a statement given under such circumstances.

By any stretch of imagination, from what you saw of her at 3.30 and at one o'clock the following day, would it be true to say that at six o'clock that morning she could have been normal?—I should say no.

Or at eight o'clock?—No.

Speaking generally, Mrs. Rattenbury was devoted to her children, was she not?—Most devoted.

There was nothing at all out of keeping with her general attitude that she should desire to clean up the blood?—She said that night, "Wash it up, wash it up. I cannot have little John frightened by the sight of blood."

That seems to be the one thing that she was quite clear about?—Yes.

Cross-examined by Mr. CASSWELL—May I take it that you were not only medical adviser but a friend of Mrs. Rattenbury?—Yes.

Did you visit the villa socially as well as professionally?—I might have visited there once or twice socially, but always professionally.

I notice, on looking through Mrs. Rattenbury's banking account from the early summer until February, your fees came to £50. Is that so?—My fees were more than that.

How much would that work out a visit?—It all depends on the circumstances. If I had to give an anæsthetic, as I did on four occasions, the fee would be larger than if I paid an ordinary visit.

How much would it be when you had to give her the anæsthetic on four occasions?—A guinea each time.

And on the other occasions how much?—Half a guinea.

# Rattenbury and Stoner.

Dr William O'Donnell

Do you mean to say that you saw her about seventy times?—I saw her over a hundred times.

By Mr. JUSTICE HUMPHREYS—When you said, “I saw her over a hundred times,” what period were you thinking of?—From August, 1932, until March, 1935.

*Cross-examination continued by Mr. CASSWELL*—My note is that between 20th March, 1934, and February, 1935, your fees came to fifty guineas—in less than a year?—It is possible.

May I take it that in less than a year you had been there about seventy times at least?—Yes, it is quite likely.

I understand you to say definitely that you never treated Mrs. Rattenbury for drug taking?—I did say so, and I say it again now.

Was she an extraordinarily excitable woman?—At times, yes.

I am not suggesting by these questions that in a fit of excitement she did what she is accused of, but I want to know what sort of atmosphere there was in that house. To what did you put down these sudden fits of excitement of hers?—Sometimes to too much alcohol.

What did she drink, do you know?—Cocktails.

By Mr. JUSTICE HUMPHREYS—You had better let him finish his sentence. You said sometimes to too much alcohol?—Other times, if there was any upset or if she was cross.

*Cross-examination continued by Mr. CASSWELL*—So when she was upset or when she was cross she sent for you, did she?—If it was necessary she did so. If I may put it this way, on the occasions that I saw her it was necessary for me to do so.

Simply because of an upset or crossness?—Yes.

It was nearly all temperament, was not it?—No, illness.

What illness?—The condition that I attended her for since 1932 was one of pulmonary tuberculosis.

Did you send her away anywhere for treatment?—I sent her to a nursing home.

When was that?—In 1932.

For how long?—A fortnight, for observation.

Did she ever go away for treatment after that?—I cannot say. I do not know.

Not under your orders?—Not under my orders.

Was the result of that observation that she had tuberculosis or not?—That she had. I had her X-rayed, and the X-ray report definitely diagnosed the case.

What treatment did you order?—Open air.

Simply that?—Yes.

When you went round on those four occasions and anæsthetised her, what was that for?—Tubercular glands.

# Evidence for Prosecution.

Dr William O'Donnell

EXHIBIT VI

What?—Suppurating glands. I had Mr. Rooke in in consultation to operate.

Did you sometimes have to go round there in order to put her to bed in a state of excitement?—No, never, except the morning of the happening.

What about the occasion of the black eye. Had you forgotten that?—Yes, I had forgotten that.

On that occasion did you see Mr. Rattenbury?—No, not that night. I saw him the next day.

Did he show signs of injury?—No, not that he showed to me.

Did you examine him?—No. I apologised to him for having notified the police, and he said that was all right.

Here we have a house where there was a very excitable woman who was often up very late at night, was she not?—I could not say that. I do not know.

Drinking to excess on occasion?—I will not say to excess. I put it she had perhaps more than would be judicious. I do not call that to excess.

By Mr. JUSTICE HUMPHREYS—Being a person suffering from tuberculosis, did you recommend any alcohol to her?—No, I did not.

Did you advise her about alcohol?—I tried to.

What was your advice?—My advice was to lead a quite life and not to drink.

At all?—Practically to give it up.

*Cross-examination continued* by Mr. CASSWELL—With regard to Stoner, a boy of seventeen and a half, was that the sort of atmosphere that you would put a boy in?—Well, it is very easy to be wise after the event. I should say no to that question.

If you had had the regulation of that household, you would not have had him sleep there in that household, would you?—I could not say no to that.

No, you could not say no, I agree. Then the time comes in February when you are asked to speak to him because you are told that he takes cocaine?—Yes. Of course, he told me—

She told you?—No, she did not tell me he took cocaine.

She told you she thought he was a drug addict?—Yes.

That is a rather terrible thing to be told about a lad just over eighteen, is it not?—Yes.

Because one does not know where it will lead, does one?—Decidedly.

Have you had much experience of cocaine poisoning?—No, I am thankful to say I have not.

I noticed that when you were asked before whether you knew what the cocaine bug was you said you had never heard of it?—Yes, I have yet to learn of, or see, the cocaine bug mentioned in a textbook.

# Rattenbury and Stoner.

Dr William O'Donnell

Have you read the book of Henderson and Gillespie?—No.

Are they not two of the foremost experts on psychiatry?—Yes, that may be.

You know of Dr. Gillespie, do you not?—No.

Do you know of Dr. Henderson?—No.

So I may take it that you have never read that book?—I have said so.

Do you know of Dr. Simmons's "Method of Pharmacology"?—No.

Do you know of "Morphinism and Narcomania" by Carruthers?—No.

Do you know what narcomania means?—No.

Do you know Dr. Weatherly of Bournemouth?—I do.

He is a man of considerable experience, is he not?—In mental diseases, yes.

Would you agree with him if he says that what is known as the cocaine bug is one of the most difficult symptoms of cocaine poisoning?—I said I do not know anything about the cocaine bug, but if you will allow me to ask you if it is that which is mentioned in some textbooks as a condition of worms existing under the skin, I will answer the question. If you will accept that as cocaine bug, I will answer the question. The condition of worms under the skin, I understand, exists in chronic cases of cocainism.

And is typical?—After prolonged taking and in large doses.

What is it due to?—It is due to the abuse of cocaine.

Is it due to a hallucination of touch?—It is due to nerve sensations, from the abuse of cocaine.

Do you suggest that there is anything there under the skin?—No.

By Mr. JUSTICE HUMPHREYS—I am not sure that I follow this. Is this what you have told us, that people who take cocaine in large quantities for a prolonged period may get a sensation as though there were worms under their skin?—Yes.

And, in fact, there are no worms under the skin?—No.

*Cross-examination continued* by Mr. CASSWELL—Do you know enough about it to say yes to this? Does cocaine lead to hallucinations of hearing?—I do not know.

Here in February last a man of just eighteen was brought to you?—No, he was not.

You were asked to speak to him, and the suggestion was that he was already a drug addict?—That he was taking drugs.

Yes, taking drugs, if you please, and, as a result, was becoming violent?—Yes.

You yourself had very little experience of cocaine or drugs?—That is right—the abuse of them.

## Evidence for Prosecution.

Dr William O'Donnell

What symptoms did you look for?—I did not look for any symptoms.

But you asked him, and he said he had been taking cocaine?—Yes.

Did you believe him?—Well, I suppose I did.

Did you ask him whether he had been up to London to try and get it?—He told me he had been up to London the day before to get it.

Did he say whether he had managed to get it or not?—No, he said he had failed.

Did he tell you where the money had come from to get it?—He did not.

Did you ask him?—No.

So the steps you took on his behalf were to warn him of the dangers of cocaine?—That is so.

Do you think it is much good to warn a cocaine taker of the dangers of cocaine?—No, I do not think it is.

What report did you make to Mrs. Rattenbury about this?—I reported to Mrs. Rattenbury that he had told me that he was taking cocaine.

Is that all?—I told her where he had suggested he had got it from to commence with. I told her I had warned him of the evil effects and implored him to give it up.

He suggested to you that he had first found it at his home?—Yes.

A working man's home is not the sort of place where you would expect to find cocaine, is it?—No.

Did you ask him where he had got it since?—No. He told me he had been up to London the day before I saw him.

And that he had managed to get it?—No, that he did not manage to get it.

He did get it somewhere?—I cannot say.

You did not ask him that?—No.

You only knew that he had an abortive visit to London which did not result in his getting any?—I asked him if he would tell me where he attempted to get it in London, and he refused.

I suppose you would agree with me that if you have someone who is taking cocaine you do not want to give him any more money than you can help, do you?—Naturally, if you want to try to stop him.

Cocaine dealers, or whatever you like to call them, are rather inclined to charge heavily, are they not?—I cannot say. I have never dealt with them.

That is a very fair answer. Did you ask him how much he took in a dose?—No.

Did you ask him how often he managed to get it?—No.

I find from your statements that you were first telephoned on

# Rattenbury and Stoner.

Dr William O'Donnell

the night of 24th March, according to you, at 11.30 p.m.?—Absolutely at 11.30 p.m. I looked at my watch.

And when telephoned to from that house you generally went in a hurry?—Yes, when I got night calls.

At any rate, you did it extraordinarily quickly that night. You got there at about 11.45?—That is right.

When you got there at 11.45 was Stoner downstairs, do you know?—No, Stoner in the meanwhile, while I was on the road, had gone to fetch me in a car. He came into the sitting-room while I was there.

Had you any special reason to observe him?—No.

Did you take any notice of him?—No.

Did you speak to him at all until he followed you and the ambulance in the car?—Yes; I think I gave him a pound note to pay for my taxi.

Otherwise, did you speak to him at all?—No.

Mr. Rooke, I think, placed the time of the examination in the operating theatre at 12.45 a.m. Would you agree to that?—It is only a guess if I say yes.

That would mean just about an hour after you first arrived at the Villa Madeira you were at the nursing home in the operating theatre?—I think that would be very fair.

As far as you know, Stoner had followed you in the car there?—Yes.

When you came out of the nursing home, there was Stoner still outside waiting?—Yes.

Did you have any conversation with him as you came back from the nursing home to the Villa Madeira?—No.

You were probably thinking of anything else but Stoner, were you not?—I had a conversation with him. I think he said the second gear of his car would not work.

Did he seem agitated in any way?—No.

Or apprehensive?—No.

Then, no doubt, your principal interest was to see that this excited and drunken woman was got to bed as soon as possible?—Yes.

You gave her a fairly large dose of morphia?—I did.

Half a grain?—Half a grain, yes, not the usual dose.

But, in spite of that, you know that in about two hours she was up and about again?—So I have been told.

Mr. JUSTICE HUMPHREYS—She was up and about in five minutes.

*Cross-examination continued* by Mr. CASSWELL—Yes, in five minutes. Would it have time to take effect in five minutes?—Within five to ten minutes morphia will begin to have effect, if left quiet.



## Evidence for Prosecution.

Dr William O'Donnell

Was it Stoner who carried her up to bed?—She was not carried up.

On the first occasion?—No, I did it myself.

Then she was up again for a short time and you managed to get her back to bed again?—Yes.

That was the time I was talking of. It must have been about half-past four, must it not?—Approximately; possibly before that.

Because, apparently the next time I have is 4.30, when Inspector Carter was at the villa?—I do not know anything about that. I had gone.

By 6 a.m. they had got this unfortunate woman up again?—So I was told.

That was two and a half hours after?—So I was told.

If she woke then, the half grain of morphia did not have very much effect?—I cannot say. I do not know. It should have taken effect.

Do you think, by any chance, she took some sort of drugs without your knowing it?—I do not think so. As a matter of fact, she was averse to any treatment which she considered dope.

Of course, the normal way to take cocaine is by snuffing, is it not?—So I understand.

That would leave no mark?—No, unless you get a mark on the septum of the nose. You do get a perforation of the septum of the nose from cocaine taking.

That would be on the inside of the nostril?—Yes.

You would not notice it unless you were told about it?—No, unless you examined for it.

Re-examined by Mr. CROOM-JOHNSON—Does what you have had to eat or drink before you are given morphia have any effect or the effect of the drug itself on the patient?—I do not think so.

Assuming that this lady had drunk sufficient to become intoxicated, would the effect of half a grain of morphia pass off more quickly than if she was quite sober when the drug was administered?—I do not think so.

Does the drug react on different constitutions in different ways?—Yes.

Is coffee a thing which might assist in getting rid, temporarily at all events, of the effect of a drug?—Coffee, walking about, and a bath.

A hot bath?—Yes.

Would that, temporarily at all events, get rid of the effect?—It would all help.

I have used the expression “temporarily.” Do you think it helps temporarily or permanently to get rid of the effect of morphia?—I am thinking of poisonous doses when I make these statements. It will help in that way, and possibly save a life.

## Rattenbury and Stoner.

Dr William O'Donnell

MR. JUSTICE HUMPHREYS—I do not think counsel is talking about poisonous doses.

*Re-examination continued*—I am talking about the dose you actually gave?—Yes, it probably would have.

Coffee would assist by itself?—Yes.

Walking about would assist by itself?—Yes.

A hot bath would assist by itself?—Yes.

By “assist,” do you mean would assist in causing the effect of the drug to disappear more quickly?—No.

What do you mean?—I mean it would keep them wakeful.

Is the effect of morphia, as a rule, to make you sleepy?—Yes.

What other effect does morphia have on the patient besides making the patient sleepy?—It makes them fuddled and muddled and not able to think properly.

Not able to tell a coherent story?—Yes.

You appreciate what I mean by a coherent story—I just want you to understand what I mean—a story which is coherent as a whole, not a story which is merely untrue?—Yes.

Unable to tell a coherent story?—The brain will not function properly.

So that you would not expect anybody under the influence of morphia to be able to tell a coherent story at all?—No, I should think not.

By MR. JUSTICE HUMPHREYS—Would you like to place any reliance at all on any statement made by a person under the influence of morphia?—No, my lord.

*Re-examination continued*—Mrs. Rattenbury was saying on the occasion when you gave her half a grain of morphia that her husband had struck her?—I did not give her half a grain that night.

A quarter of a grain?—Yes.

That her husband had struck her?—Yes.

Did she tell you anything more about the circumstances of the striking than that?—No.

What sort of man was Mr. Rattenbury? Was he a quiet man?—A very charming, quiet man.

By MR. JUSTICE HUMPHREYS—Did you go into the matter any more than that when you were told this very charming, quiet man had given his wife a black eye? Did you ask how it came about?—No.

Did it surprise you?—It did. I saw Mr. Rattenbury the next day.

*Re-examination continued*—You have told us what happened after, and I will not ask you about it, but will you just tell

## Evidence for Prosecution.

Dr William O'Donnell

my lord and the members of the jury this: up to that time had you seen any signs of any violent disposition on the part of Mr. Rattenbury?—No.

Now let us see about Stoner and the cocaine. When was it, as nearly as you can recollect, that Mrs. Rattenbury came to you and told you that she believed that Stoner was taking drugs?—On 12th February she asked me to go and see her, and she told me.

How soon after 12th February was it that you saw him? Was it the same day?—No, the next day.

Did he tell you how long before that it was that he had experimented with cocaine and found it gave him a pleasant sensation?—No.

I gather you did not inquire?—I did not inquire.

He told you that he had been in London the previous day, was it?—That day—the day that I saw Mrs. Rattenbury first, on 12th February.

And had failed to get it?—Yes.

Did you make any inquiry from him as to whether he had made other journeys to London or not?—No.

Did he tell you whether he had made other journeys to London to get cocaine?—No.

Did you make any inquiry as to how often he had taken cocaine since he had discovered that it gave him a pleasant sensation?—No.

By Mr. JUSTICE HUMPHREYS—Or as to how long it had been going on?—No, my lord.

Does that mean that you did not gather from him whether it was a matter of a week or of five years?—That is so. I did not ask him.

*Re-examination continued*—You did not ask him?—I was only asked to find out what drug he was taking and to warn him about it.

I gather you have no experience of people who are taking cocaine?—No.

By Mr. JUSTICE HUMPHREYS—Surely your experience is enough, is it not, to know that it is important to find out whether a person has been taking it for a week or for five years?—He appeared perfectly normal to me that day. I had no reason to believe he was taking large doses of cocaine.

Or that he had been taking it for some time?—I could not say that he had taken any from what I saw that day.

He said he had?—Yes, he told me he had.

He said he had been up to London to get it the day before?—Yes.

Did you understand from him whether that was the first time that he had been up to London to get it, or not?—No, I did not ask him.

# Rattenbury and Stoner.

Dr William O'Donnell

*Re-examination continued*—You just said he seemed to you to be perfectly normal?—That day, yes.

How often had you seen Stoner to talk to before 13th February, 1935?—Three or four times.

He went there first, we were told, in September, 1934?—I cannot say.

You may take it that date is approximately the time when his employment there commenced. Had you seen him at all last year to talk to—during the three months of last year?—I may have seen him once or twice when I called at the house.

As far as you could see, on 13th February, 1935, did he appear to be a normal young man of his age?—Yes.

Did you observe while you were talking to him any sign that he needed any medical attention, or anything of that sort?—No.

You do not know the usual method of people who do take cocaine. Is it sometimes prescribed?—Yes.

Very small doses?—Very small doses.

The only other thing I want to ask you about is this. You were asked whether Stoner did not carry Mrs. Rattenbury up to bed?—Yes.

And your answer was, "I did it myself"?—I did not carry her up. I took her arm.

Was that on the first occasion when she went up?—Yes.

Then she came down in a few minutes, five minutes or something?—I do not know. I went into the room in about five minutes and found her there. When she came down to the room I cannot say.

When she came down, between the first time that she had been taken up to bed and the second time, did she seem less mistress of herself than when she went up?—Getting less.

Was the drug taking effect?—Yes.

ALFRED BASIL ROOKE, examined by Mr. CROOM-JOHNSON—I am a medical practitioner and I practise as a surgeon at 18 Wharncliffe Road, Boscombe. On the night of 24th March, 1935, I received a telephone message from Dr. O'Donnell. It was exactly five minutes to twelve. As the result of that telephone message I went at once to 5 Manor Road, Bournemouth, and I got there approximately a few minutes after twelve. On entering the house, I went to a bedroom on the ground floor and I there saw Mr. Rattenbury. He was lying on his side on the bed. He was incompletely dressed. I made a cursory examination—sufficient to show that he was seriously injured. It was entirely impossible at the time to make a thorough examination. In the first place, his hair was matted over his head, there was a mass of blood and hair which made it impossible to see the exact nature of the wounds. In the second place, there was such a disturbance

# Evidence for Prosecution.

Alfred B. Rooks

going on in the room that it was almost impossible to concentrate on the patient. Mrs. Rattenbury and Dr. O'Donnell were in the room. My impression was that Mrs. Rattenbury was there when I went in, or she came in immediately after I got there. I saw enough to see that he had wounds in the head. Mrs. Rattenbury was pressing attentions upon the patient to such an extent that I was unable to make an examination. She was trying to remove some of his clothing; she was calling for scissors to cut his shirt off. She was making remarks which struck me as being utterly incoherent.

By Mr. JUSTICE HUMPHREYS—She was in a very abnormal state, I suppose?—She was in a very abnormal state; but may I just add the conditions appeared to me to be such that one would expect an abnormal state in a person of her temperament. I had seen her before.

Was she naturally an excitable woman?—Yes, and in conditions which justified great excitement.

*Examination continued*—I came to the conclusion that the only thing to do was to have the patient removed to a nursing home. There was a telephone in the room and we made arrangements to have him taken away immediately. I went home to get my instruments and go to the nursing home. I examined Mr. Rattenbury in the operating theatre at the nursing home at about a quarter to one in the early morning of Monday, the 25th. As I shaved away the hair and got the blood cleaned up, I was able to see the nature and the character of the wounds. There were three wounds on the head. One wound was above the ear on the left-hand side. That one had irregular jagged edges. It would be, I should say, three to three and a half inches long. The bone was exposed in the deep parts of the wound, and there was an obvious depressed fracture of the skull. I was able to feel where the bone had been driven into the brain. The next wound would be approximately in the midline at the back of the head. That was a lacerated wound that reached down to the bone. I was unable to feel any fracture beneath it. The third one was similar to the second, situated a little further round to the right. I was not able to feel any fracture there.

I think you removed the largest piece of bone from the place where the depressed fracture was?—I first of all cleaned up the wound, excised the edges, and when I had sewn up all the wounds I turned the flap down to expose the skull beneath, because I knew there was pretty extensive bone condition there.

Having examined the wounds, did you form an opinion as to how they were caused?—I formed the opinion that the injuries had been caused by three separate blows with some blunt instrument.

# Rattenbury and Stoner.

Alfred B. Rooke

Did you form an opinion as to whether the blows had been struck from the front or from behind?—From behind.

(Shown Exhibit 7) Did you examine that mallet for the first time at the police station?—Yes.

How long after this examination at the nursing home?—I cannot say, but between my operation and Mr. Rattenbury's death. I did not take a note of the exact date.

Somewhere between 25th March and the time when he died on Thursday, the 28th?—Yes.

Were the wounds that you saw in your opinion capable of being administered by such an instrument as that?—They were.

When you examined that mallet, did you observe anything particular about it?—I observed on one side of it some hairs, and a fragment of dried skin.

Did you examine the hairs?—I noticed that they resembled Mr. Rattenbury's hair in texture and in colour.

Did you observe anything about the eyelids of the patient that night?—I did. I observed that the left eye was completely bunged up, to such an extent that one was unable to separate the lids to examine the condition of the pupil beneath.

From your general examination can you tell how that condition was brought about?—Well, hæmorrhage proceeding from behind forward into the orbit.

By Mr. JUSTICE HUMPHREYS—Not a separate blow?—No, it was simply the hæmorrhage passing forward inside the skull into the orbit.

*Examination continued*—Inside the skull into the orbit of the eye?—Yes.

Not external is the point that I am upon?—Not external. I was present during part of the *post-mortem* examination of the head which was made by Dr. Harold Simmons on 28th March. I was not present at the death, but I saw him the evening before and shortly after. The deceased died on 28th March about half-past eight in the morning.

Look at these photographs Nos. 6 and 7. Are those photographs showing a part of the cap of the skull of the late Mr. Rattenbury?—They are.

Were you present when Dr. Harold Simmons removed the skull cap, as it is called?—I was.

I observe from looking at No. 6 that it shows a large orifice in the skull cap?—Yes.

Is that the one which proceeds from the wound over the left ear?—Yes. (At this stage the witness indicated on the photograph the part representing the true wound and explained that the rest of it was his enlargement of it.)

Was the wound enlarged for the purpose of the *post-mortem*?—

## Evidence for Prosecution.

Alfred B. Rooke

No, the wound was enlarged for the purpose of getting fragments of bone from the brain.

(At this stage the jury were handed the mallet for the purpose of feeling the weight of it.)

Are you able to say yourself what the cause of death was?—Yes, the cause of death was injury to the brain which produced cedema of the brain and death. I removed a portion of the hair of the head of the deceased immediately after his death at the nursing home and handed it either to Inspector Carter or to Inspector Mills, I cannot be certain which.

Cross-examined by Mr. O'CONNOR—The most serious injury was the one to the left of the skull?—That was the most serious.

So far as one could apportion the cause of death, that probably was the wound which caused it?—The injuries associated with that wound were, in my opinion, the cause of death.

It was a very formidable wound, was it not?—A very formidable wound.

And must have been caused by a blow delivered with such force that it caused contrecoup on the other side of the brain?—Yes.

Which presupposes great violence on the left?—Not very great violence.

A considerable degree of violence?—Yes.

Mrs. Rattenbury was a patient of yours, was she not?—No. I had attended her in consultation with Dr. O'Donnell on four occasions.

That is what I mean. You have, in fact, been present on three occasions when she has had an anæsthetic?—Yes.

And noticed the way in which she received an anæsthetic?—Yes.

Have you ever seen any signs about her that she was a drug taker?—It never occurred to me. I had never looked for signs of it.

Did she take an anæsthetic in the way that you expect a drug taker to take it?—She was exceedingly excitable; she took it badly.

Was that the way in which a person who sometimes took too much alcohol might?—Yes.

It was consistent with a person who abused the use of alcohol?—Yes, or sometimes with a merely highly excitable temperament you get it.

You told us she had a highly excitable temperament. There was an answer of yours which I did not quite catch, but I think it amounted to this, that her condition when you arrived at the house showed just the degree of reaction that you would have expected from somebody of her temperament in the circumstances?

# Rattenbury and Stoner.

Alfred B. Rooke

—It showed a degree that I thought was compatible with the ordinary reactions of a very highly strung person.

To the horrible situation in which she found herself?—Exactly.

By Mr. JUSTICE HUMPHREYS—In association with alcohol?—Yes.

*Cross-examination continued* by Mr. O'CONNOR—She was a perfect nuisance when you arrived?—She made an examination impossible.

Making utterly incoherent remarks, but nevertheless solicitous for her husband's welfare?—So solicitous that when I was making futile efforts to conduct my examination I said, "If you want to kill him you are going the right way to do it. Do let me get near him and attend to him."

*Embarras de richesse*?—Exactly.

You have no doubt it was done with the sincere wish to help?—I cannot speak for the sincerity. There was the apparent wish to help.

Your main preoccupation was with your patient?—It was my entire preoccupation.

I suppose you could not say whether she was in the room all the time or not?—I believe that she was.

Do you not remember the time when she was not there?—I do not remember being able to carry on an examination without disturbance.

How long were you there altogether? We know that you left before the ambulance arrived?—I cannot tell you exactly how long I was there, but I can give you the approximate times. I started from my house a few minutes after the receipt of the telephone call. The taxi would take three or four minutes to get there, so I should be there some time between seven or ten minutes of the receipt of the call. I returned to my house at half-past twelve.

That fixes the time?—I was there about twenty minutes.

Just a few minutes before half-past twelve you left the house?—Exactly.

And you arrived at the nursing home?—The nursing home is exactly opposite my house.

You simply picked up your bag and walked into the nursing home?—Exactly.

Did you arrive at the nursing home before or after the ambulance?—Before. I waited there a quarter of an hour.

You did tell the police that at five minutes past twelve Mrs. Rattenbury was drunk?—Yes.

Did you say she was very drunk?—No.

You did not see the police, I think, until much later than five-past twelve?—I saw the police before I left the nursing home.

You told the police when you saw them at the nursing home



## Evidence for Prosecution.

Alfred B. Rooks

that at five minutes past twelve Mrs. Rattenbury was in your opinion drunk?—I do not remember if I told them then.

When did you tell them?—When I made my statement to the police the next day.

That was not what I was referring to?—I cannot remember whether I said she was drunk then or not. I was thinking of the patient then.

Cross-examined by Mr. CASSWELL—Look at the photograph No. 7. As I understand you, it was that lower part which was the actual fracture (indicating)?—It was a part of the actual fracture.

Where was the point of impact?—The point of impact was along the lower edge. The principal impact was there because the fracture was driven into the brain in that direction, the lower end being more driven into the brain than the upper end.

Was that very near to the top of the left ear?—It would be a matter of from one inch to one and a half inches above it.

Why do you say it was a blow from behind?—I feel justified in swearing to it being a blow from behind because of the direction of that blow absolutely shown by the contrecoup.

The contrecoup is the injury which occurs to the part of the brain opposite to that which receives the blow?—Diametrically opposite.

And it is caused, if I may put it in ordinary layman's language, because the brain is simply in a bag there floating in water, and if you hit it on one side it comes up against the other?—Exactly.

Why cannot I hit a man from the front behind his ear with that mallet and cause a contrecoup in that way?—Because your position makes it mechanically impossible.

Assume that the patient is sitting in a chair?—(Witness demonstrated on himself how in his opinion the blow was delivered.)

Have you ever swung a hammer?—I have.

One swings it almost towards one, does one not, as if driving in something?—Yes, but I think the swinging of a hammer is rather a different thing from this; the action is different.

It has a longer handle, of course?—Very much.

One further point about the direction of the blow. I think it is important whether the blow was struck from in front or behind?—

Mr. JUSTICE HUMPHREYS—All that the doctor has said is that the direction of the blow was from behind.

Mr. CASSWELL—I understood him to say that the person who delivered it was standing behind.

Mr. JUSTICE HUMPHREYS—With great respect to him, he is not in a position to say.

Mr. CASSWELL—That is the whole point of my inquiry.

# Rattenbury and Stoner.

Alfred B. Rooke

MR. JUSTICE HUMPHREYS—It is not a medical question at all. It is a surgical question what was the direction of the instrument that caused the injury, and that he said most distinctly came from the back towards the front. Whether it is possible for a man who is standing in front of another who is sitting to hit that man a blow with a weapon which comes from the back to the front, the jury know as well as any surgeon does.

MR. CASSWELL—I understand the witness to say it was in his view struck by a person standing behind.

THE WITNESS—I do not think I said that. I said the direction of the blow, by which I mean the direction of the force.

*Cross-examination continued* by MR. CASSWELL—I was trying to make you understand that might be the direction of a blow from someone standing in front, and I understand you do not agree with me?—No.

Do you or do you not agree with me?—I do not agree with you.

Then it comes to this, that you say that it was struck by somebody standing behind?—The direction of the force was from behind.

Still you will not answer me?—I cannot say more than that the direction of the force was from behind.

Do you say it was possible to have caused the blow standing in front?—

MR. JUSTICE HUMPHREYS—Or at the side?

THE WITNESS—From the side, yes, but, from the front, I cannot stretch my imagination sufficiently.

*Cross-examination continued* by MR. CASSWELL—What you are in fact saying is that you, who are a medical man, who have seen the marks on the skull and the cracks in the skull, and have seen the contrecoup, cannot stretch your imagination to that blow having been struck by somebody standing in front of the victim?—I cannot.

ARTHUR ERNEST BAGWELL, examined by MR. HAWKE—I am a constable in the Hampshire Constabulary stationed at Bournemouth. On 25th March in the early morning I went to the Strathallen Nursing Home at Boscombe in answer to a telephone call. I got there about 1.30. When I got there I saw Mr. Rattenbury. He was on the operating table. After I had seen him I went to No. 5 Manor Road, and I got there about 2 a.m. I was in uniform. I was admitted by Mrs. Rattenbury. Mrs. Rattenbury and the maid were at the door together. I am not certain who opened the door, but they were there together. Mrs. Rattenbury was dressed in her pyjamas, and I believe she had a light cape on, or something like that.

## Evidence for Prosecution.

Arthur E. Bagwell

By Mr. JUSTICE HUMPHREYS—A dressing-gown or dressing-jacket?—Something like that, my lord.

*Examination continued*—I went into the drawing-room. I noticed that Mrs. Rattenbury was at that time under the influence of drink to a mild extent. When I got into the drawing-room, I said to her, "I have just come from the Strathallen Nursing Home where your husband has been taken this evening, where he is suffering from serious injuries. Can you furnish me with any particulars as regards how he came by them?" She said, "At about 9 p.m. I was playing cards with my husband in the drawing-room, and I went to bed. About 10.30 I heard a yell. I came downstairs into the drawing-room and saw my husband sitting in the chair. I then sent for Dr. O'Donnell. He was then taken away." Up to that time I was alone in the house with her and Miss Riggs. Inspector Mills came shortly after that and we examined the premises. I saw a stain on the drawing-room carpet. It was near the side of the armchair. It was on the right-hand side as you look at the chair. There were other marks on the back and on the arm. I noticed the seat of the chair. There were slight stains on the seat, and it appeared to have been washed. The seat of the chair smelt of urine. We then went to the bathroom and found a coat and waistcoat that had been washed. They had been taken off Mr. Rattenbury. We also found a blood-stained collar in the dustbin outside the back door of the house. After that inspection Inspector Mills left the house, and after he left I was alone in the house again with Mrs. Rattenbury and Miss Riggs, of course.

Did Mrs. Rattenbury say anything to you after Inspector Mills had gone?—Yes.

Where was that said?—In the drawing-room.

By Mr. JUSTICE HUMPHREYS—At what time?—That would be about 2.30, my lord.

*Examination continued*—Was she alone in the room with you then?—Yes.

What did she say?—She said, "I know who done it." I then immediately cautioned her. She said, "I did it with a mallet. Ratz has lived too long. It is hidden. No, my lover did it. It is urine on the chair. I would like to give you £10. No, I won't bribe you." Inspector Mills had gone back to the nursing home, and returned about 3.30. I was there when he came back. He spoke to Mrs. Rattenbury. He said, "I have just come from the Strathallen Nursing Home where your husband has been taken seriously injured. Can you give me any particulars as to how it happened?" She made a statement then. Inspector Mills cautioned Mrs. Rattenbury. In the statement she made

# Rattenbury and Stoner.

Arthur E. Bagwell

to me, when she said, "It is hidden," that appeared to be referring to the mallet. I searched for the mallet and I found it outside the front door on the east side. That is where the trellis work is. The mallet was hidden behind a box behind the trellis work (shown photograph No. 2 in the book of photographs). As you look at the front door there is some trellis work to the left of it. It was behind that that I found the mallet. It was about 6.15 a.m. when I found it. I examined the mallet and I found a piece of flesh and hair on it.

By Mr. JUSTICE HUMPHREYS—Have a look at it. There is a little hair on it now. Was there more when you found it?—Yes, my lord.

Cross-examined by Mr. O'CONNOR—Look at photograph No. 2. In order to get to the place where the mallet was found, you have to bend down and get under an overhanging tree?—Yes.

And the ground there looks pretty rough?—Yes.

Do you have to squeeze through a narrow passage?—Well, it is a bit narrow there, yes.

The gap between the trellis work and the wall is pretty narrow?—Yes.

It is not the sort of expedition that anybody would be likely to undertake in their bare feet, in their pyjamas?—The ground is quite even.

Do you think it is?—Yes.

Whoever went would have to crush in between the trellis work and the wall?—They would have to just bend down.

You found a blood-stained collar somewhere. Was it a man's collar?—Yes.

That was on the opposite side of the house?—That is right, outside the back door.

Did you see Stoner that evening?—Yes.

He was not wearing a collar, was he?—I cannot remember.

Where is the collar? What happened to it?—I do not know.

The collar has just disappeared. We have heard nothing of it at all. Do you know what has happened to it? What did you do with it?—It was taken away, I believe.

You know nothing more about it except that you handed it over to one of your superior officers?—I believe Inspector Mills took charge of it.

Was there a lot of blood on it?—Yes, saturated.

I am told the collar is somewhere in the neighbourhood.

Mr. JUSTICE HUMPHREYS—If you want it, you can have it, I suppose. The man who suffered those injuries would have blood on his neck, I suppose.

## Evidence for Prosecution.

Arthur E. Bagwell

Mr. O'CONNOR—I thought it was on the assumption that it was Mr. Rattenbury's collar.

Mr. JUSTICE HUMPHREYS—Nobody has suggested it belonged to your client.

*Cross-examination continued by Mr. O'CONNOR*—As regards the first statement Mrs. Rattenbury made to you, did she say that she had gone to bed or that she had gone to her bedroom?—She may have said she had gone to her bedroom. I cannot exactly remember.

You gave evidence about that at the Police Court?—Yes.

Did you say then she said, "I went to my bedroom"?—Yes, she may have said that.

You are not quite sure which it was?—No, not quite sure.

Was she very drunk?—Not when I first arrived on the scene.

She was very drunk later on, of course?—Well, you would not actually say very drunk, not incapably drunk.

She was not incapably drunk according to you at any time?—I should not say so.

Was she trying to kiss you?—Yes.

Did you have to leave the house because of her attentions?—No, I did not leave because of her attentions.

Did you tell Miss Riggs that was why you were leaving?—No, I told Mrs. Rattenbury that I was going outside.

Because she was pestering you with her attentions?—No, I told Mrs. Rattenbury I was going outside, that I might find another officer, because I thought that might calm her a bit.

Did you hear any disturbance going on in the house while you were outside?—None whatever.

How long were you outside?—About three minutes.

You did not keep a check of it by your watch, I suppose?—I went outside really for a natural purpose.

You know that Miss Riggs has said that you went outside because you said that you would not stay in the house as she was trying to kiss you?—No.

Is that true?—No.

Do you know that Miss Riggs says that while you were outside she had to lock all the doors of the house to prevent Mrs. Rattenbury trying to get out to find you?—The front door was never locked.

Then what Miss Riggs says about that is not true?—The front door was not locked.

She says that during that time she had to put her down into a chair and sit on her to prevent her breaking out of the house. Is that all untrue?—I could not say.

You heard no sound coming from the house?—No.

Was the gramophone playing?—She played one record while I was in the house.

## Rattenbury and Stoner.

Arthur E. Bagwell

You did not hear any of the kind of disturbance that I have been describing?—No.

And you say you were only out for a few minutes?—That is all.

I suggest to you, you were out a considerable time, and you came back with another officer?—I was never away from the house for more than three minutes.

Did you come back alone?—There was another officer. I happened to see him. That was the officer on the beat.

So you did bring another officer in with you?—He just came to the door.

It was just coincidence that he happened to be on the beat. It was not as Miss Riggs said, that you told her you would go to fetch another officer?—I knew possibly there would be other officers outside.

Was it a coincidence, or did you go to fetch the other officer?—It was a coincidence.

Why go out for natural purposes? Are there not two lavatories in the house?—It was impossible for me to go to the lavatory. This lady was pestering me the whole of the time.

Was it an hour after the statement, "I did it with a mallet. It is hidden. Ratz has lived too long," before Inspector Mills came?—Yes.

The second time?—Yes.

Who was in the house during the whole of that hour?—I was. Only you?—Me and Miss Riggs and Mrs. Rattenbury.

Except for that time when you went out?—That is right.

Much occurred during that interval?—I went out shortly before Inspector Mills came back.

Were Inspector Mills's questions asked before Dr. O'Donnell arrived or after?—Before Dr. O'Donnell arrived.

Long before?—About ten minutes or a quarter of an hour before.

Then after Dr. O'Donnell arrived and put her upstairs and gave her morphia, she was still talking to Inspector Mills at a later moment?—She came down immediately behind Dr. O'Donnell.

Did you help to get her to bed?—No.

Did you see her helped to bed?—I believe Stoner carried her upstairs on one occasion.

Were you there the whole night?—Until about seven o'clock in the morning. I went immediately after the police-matron had taken over.

During the time that you were there, did you go into Mrs. Rattenbury's bedroom to try to wake her?—No, not to try to wake her. I made a search under the bed while she was there.

While she was in the bed?—While she was in the bedroom.

Was she in bed?—No.

# Evidence for Prosecution.

Arthur E. Bagwell

What time was that?—I cannot remember. I should say it may have been four o'clock, or something like that.

After Dr. O'Donnell had given her morphia?—Yes.

Was she undressed or lying on the bed, or what was she doing?—She was just in her pyjamas and a light dressing-gown.

What was she doing—walking about?—Yes.

Was there anybody else there?—Yes, Miss Riggs was there, and Stoner, I believe.

By Mr. JUSTICE HUMPHREYS—Wait a minute. I am not sure that you and the learned counsel are quite at one. This is something quite new. Were you there when the doctor gave her an injection in her arm?—No.

May the time you are speaking about when she was walking about her room have been before or after the doctor did that?—It was after the doctor had given her morphia.

Did the morphia seem to have any effect upon her?—Not until some time afterwards.

Do you mean just for a few minutes she was walking about there?—I should say it may have been ten minutes or quarter of an hour.

What did she do after that?—I believe someone put her to bed. I was not there when they put her in bed.

*Cross-examination continued* by Mr. O'CONNOR—You were in her bedroom at some time after, so far as you know, the doctor had given her morphia?—Yes.

How long were you in the bedroom?—A few minutes.

Just looking for something under the bed?—Yes.

Were you in the bedroom again between that time and the time the police-matron came?—No.

Where were you the rest of the night?—I was downstairs searching the grounds and the rooms inside.

Cross-examined by Mr. CASSWELL—(Shown collar marked Exhibit 47). That collar is very badly covered with blood on the left-hand side, is it not?—Yes.

It looks as if it was the collar that was worn by the man who was injured, does it not?—Yes.

Re-examined by Mr. CROOM-JOHNSON—I want you to look at one thing on that collar. Look inside. Does it bear the name of the shop at which it was purchased? Look at the end which is not covered with blood?—Yes, "Hope Brothers, Ludgate Hill, London."

WILLIAM JAMES MILLS, examined by Mr. CROOM-JOHNSON—I am an inspector in the Hampshire Constabulary stationed at Bourne-

# Rattenbury and Stoner.

William J. Mills

mouth. In the early morning of Monday, 25th March, I went to 5 Manor Road, Bournemouth, about two a.m. When I got there I saw the accused Rattenbury. She was very excited and appeared to have been drinking. I saw her in the drawing-room. I said to her, "What has happened?" She said, "I was in bed when I heard someone groaning. I came downstairs and found my husband in the easy-chair. He was unconscious and blood was flowing from his head." While I was in the room, I observed some french windows. I noticed that the left-hand one, as you look out, was open. I asked Mrs. Rattenbury, "Was this window open when you came down?" and she said, "No, it was shut and locked." I noticed the blood stain on the carpet by the side of the chair. I have seen the photograph which shows the position of the chair in the room (shown photograph No. 3 in Exhibit 2). The chair was in the position shown in the photograph when I went into the room that night. There were blood stains on the left arm of the chair and on the back. In the bathroom we found a man's coat and waistcoat. They were sopping wet as though they had been washed and wrung out. The bathroom was on the ground floor. I was with P.-C. Bagwell when he took the collar from the dustbin. We also found the cretonne cover which has been produced in the case. There was a small table in the drawing-room. I saw a book on that table (shown Exhibit 6). That is the book. It was open at page 296. It was face downwards. I then went to the Strathallen Nursing Home. Outside the nursing home I saw the accused Stoner. He was sitting in the front seat of a motor car. That would be about a quarter to three, but I would not swear to it. I did not look at the time. He was sitting in the left-hand front seat as you face the engine. He was apparently asleep. I had not seen him before that night. I arrived at the house shortly after two and left round about quarter to three, and I had not seen Stoner at the house at all up to that time. I returned to No. 5 Manor Road about half-past three in the police car. When I got back to the house I saw the accused Rattenbury. She was in the hall. She was in a very agitated condition and under the influence of drink. I spoke to her.

By Mr. JUSTICE HUMPHREYS—Was she better or worse than she had been at two o'clock?—Slightly worse.

*Examination continued*—I said to her, "Your husband has been seriously wounded and is now in a critical condition." She said, "Will this be against me?" When she asked me that question I cautioned her. I said, "I caution you; you are not obliged to say anything unless you wish to do so, but whatever you do say will be taken down and may be given in evidence."

Did she appear to understand?—Yes, I was satisfied she understood.



# Evidence for Prosecution.

William J. Mills

After you had cautioned her, did she speak to you again?—Yes, immediately.

What did she say?—She said, “ I did it; he gave me the book.”

Did you know what book she was referring to?—No.

What else did she say?—“ He has lived too long. He said, ‘ Dear, dear ’ ”—

Did those two sentences follow on one another?—Yes, “ I will tell you in the morning where the mallet is.”

Up to that time had anybody mentioned a mallet in your hearing?—No one at all.

Did she say something else?—Yes. “ Have you told the Coroner yet? I shall make a better job of it next time. Irene does not know. I made a proper muddle of it. I thought I was strong enough.”

At the time she made that statement to you, did you know who Irene was?—Yes, Miss Riggs.

What was the next thing that happened?—The accused Stoner and Dr. O'Donnell came back into the house. How long was that after Mrs. Rattenbury had made this statement to you?—About ten minutes, I should think.

When Dr. O'Donnell came into the house, were you in the room then?—No, in the hall.

What happened next?—The accused Rattenbury rushed towards him when she heard his voice.

What did he do, if anything?—He went upstairs with her.

What happened after that?—Some time afterwards Dr. O'Donnell came down again, and he then said, “ She is quiet; I have given her morphia.”

When did you next see Mrs. Rattenbury?—About a minute after the doctor came into the drawing-room.

Did she come back into the drawing-room?—She did.

Did she speak to anybody?—Yes, immediately she said, “ I know who did it—his son.” I said, “ How old is he? ” She replied, “ Thirty-two, but he is not here.”

At that time in her presence did Dr. O'Donnell say something to you?—Yes.

What did he say?—He said, “ I have given her morphia. I do not think she is fit to make a statement.”

And then what happened?—With some difficulty we got her to bed.

What was the difficulty?—Well, it was like getting anyone to bed when they were under the influence of drink; they will not do what you want them to.

Was that the last you saw of her on that night?—Yes.

Cross-examined by Mr. O'CONNOR—On the occasion of the first statement to you, was Bagwell present?—Yes, he was there.

## Rattenbury and Stoner.

William J. Mills

You did not make a note of any of those statements, I suppose?  
—Not the first one.

Did you make a note of the second?—I made a note of the one I have got here.

The one you gave us the effect of a few minutes ago?—Yes.

You say you arrived about two o'clock. Bagwell has told us that he arrived about two o'clock, so that you must have been really on each other's heels?—Yes. I think there was about two minutes' difference.

Meanwhile she had made a statement to him, so he has told us?—I do not know about that.

Anyhow, the statement that she made to you was in Bagwell's presence?—Yes.

Bagwell has put the time that you left at about half-past two. At any rate, he has put it this way, that by half-past two you had gone. Would that be right?—It may be. I said about quarter to three I got to Strathallen. It may have been twenty-to when I got to the nursing home.

You cannot tell to ten minutes or quarter of an hour how long it was?—No.

When you got to the nursing home, did you tell Dr. O'Donnell that Mrs. Rattenbury was drunk?—No, I said she had been drinking.

On your return to the house how long had you been in the house before you told Mrs. Rattenbury what you said about her husband being in a serious condition?—About five minutes.

She was obviously very much worse then?—Slightly worse.

Very much worse, I suggest?—No.

That statement, you say, you made a note of?—That is right. At the time or the next day?—At the time.

Did you follow the statement up?—In what way?

She said, "I will tell you in the morning where the mallet is."

Did you ask her where it was?—No, I did not question her.

Why not?—I did not question her at all.

Did you not question her because you did not think she was in a fit condition to give intelligent answers?—No, not at all.

Why did you not?—I had taken that statement.

Was this the first you had heard of a mallet?—That is right.

You knew this man had been very seriously injured with some heavy weapon, and here was this woman telling you, "I will tell you in the morning where the mallet is." I am suggesting the only reason you did not follow that up was because you thought you could not place any reliance on her statement?—Not at all. I started searching for the mallet.

Why did you not ask her where it was?—I did not ask her.

That would have helped, if she knew?—Yes.

MR. JUSTICE HUMPHREYS—Do you really suggest, Mr. O'Connor,  
126

## Evidence for Prosecution.

William J. Mills

if after a woman has said—believe it or not—that she was a party to a crime like this, the police officer would be justified in cross-examining her at all?

Mr. O'CONNOR—I accept your lordship's suggestion at once, and apologise for the question.

*Cross-examination continued by Mr. O'CONNOR*—I am not blaming you for not having pursued the point. How soon after that did Dr. O'Donnell arrive?—About ten minutes.

When did Dr. O'Donnell first tell you that he had given her morphia? Was it immediately he came down and while Mrs. Rattenbury was upstairs, or was it later?—That was the first time, and then he repeated it when she was making statements.

How long was she in the drawing-room with you before Dr. O'Donnell joined you?—Dr. O'Donnell was there first.

He says he was not?—He is mistaken.

Are you quite sure of that?—Absolutely.

I do not think you were in Court when he gave his evidence. He said, "I was in the kitchen with Stoner and Miss Riggs and I came into the drawing-room and found Mrs. Rattenbury talking to Inspector Mills"—That is wrong.

Your recollection is different from that?—Mine is correct.

You say he was in the room at the time when she came in?—Yes, but he had hardly finished saying to me, "I have given her morphia," when she rushed into the room and began making this statement about "I know who did it—his son."

And then you were checked from making any further inquiries by what Dr. O'Donnell said to you?—Yes.

Were you there when she left for the police station?—No.

What time did you leave?—About quarter to half-past seven. As the police-matron arrived I went out.

Did you go into Mrs. Rattenbury's bedroom while she was asleep?—I only looked in just as a precautionary measure.

Did any police officer, so far as you know, go in?—Not to my knowledge.

How was it that she was roused? Was it on your instructions?—No.

Were you anxious to get her up?—No.

Who suggested sending for coffee?—I do not know.

You knew that she had some coffee?—I knew she had some coffee, I did not see her drink it.

It was not on your instructions that it was made?—No.

By Mr. JUSTICE HUMPHREYS—When did Inspector Carter arrive?—Round about 4.30.

*Cross-examination continued by Mr. O'CONNOR*—He was there all the time after that, was he?—That is right.

# Rattenbury and Stoner.

William J. Mills

Cross-examined by Mr. Casswell—As far as Stoner was concerned, did you see him for the first time that night outside Strathallen Nursing Home?—Yes.

You did not attempt to take any statement from him there?—No.

Was that because, to the best of your belief, he was then asleep?—Yes.

He came back, I think you have told us, with Dr. O'Donnell?—Yes.

You, no doubt, were very busy looking after Mrs. Rattenbury?—Yes.

Did you have any further conversations with Stoner?—Yes, I asked him if he had seen a mallet about the place. He said no, he had never seen one.

By Mr. JUSTICE HUMPHREYS—When was this? Was it when Dr. O'Donnell returned with him?—Yes, after he had returned.

*Cross-examination continued* by Mr. CASSWELL—About what time would that be?—It would be after Mrs. Rattenbury was got to bed.

It was after she had said some thing about a mallet?—Yes. It would be between four and half-past.

When Mrs. Rattenbury had made the statement about a mallet, Stoner was not there, was he?—No.

By Mr. JUSTICE HUMPHREYS—If you can, use the exact words. What was it you asked Stoner about the mallet?—I asked him if he had seen a mallet about the place.

You did not tell him why you wanted to know?—No. Mr. Carter arrived on the scene then and I think he interviewed him.

His answer was no, he had not seen one?—That is right.

*Cross-examination continued* by Mr. CASSWELL—Did Inspector Carter take charge when he arrived?—He did.

Can you tell me where Stoner was from 4.30 until 7.30 when you left?—Walking about in all the rooms. He was sometimes in the drawing-room, sometimes in the kitchen, and sometimes out in the hall.

And you did not try to take any statement from him during that time?—No.

Re-examined by Mr. CROOM-JOHNSON—During that period when Stoner was walking about, Mrs. Rattenbury was in her bedroom?—That is right.

By Mr. JUSTICE HUMPHREYS—Was there any reason connected with his condition why you did not take a statement from him?—No.

He was in a fit condition to make a statement?—Yes.

## Evidence for Prosecution.

William G. Carter

WILLIAM GOLDSWORTHY CARTER, examined by Mr. CROOM-JOHNSON—I am a detective-inspector of the Hampshire Constabulary stationed at Bournemouth. On 25th March I went to 5 Manor Road at about 4.30 a.m. I went into Mrs. Rattenbury's bedroom first, the room on the first floor at the rear of the house, immediately over the drawing-room. Mrs. Rattenbury was asleep. I also saw the accused Stoner and the maid Riggs. They were in the dining-room on the ground floor. I then went into the drawing-room. Later on I made an examination of the house and grounds. I was in Mrs. Rattenbury's room when she woke up at 6 a.m.

What was the first thing that you did when she woke up?—I simply stayed there and watched her. I did not say anything at all. I said nothing at all for about ten minutes. Then I called her maid Riggs and asked her to get her mistress some coffee. It was my idea. The coffee was brought and she was served with it. She had one cup, not quite the size of a breakfast cup, something similar to a tea cup. I sent for the police-matron and she came about 7 a.m. After that the accused Mrs. Rattenbury had a bath. She requested a bath before the police-matron arrived, and I sent for the police-matron and she had one then. Afterwards she dressed and while she was dressing I went in the kitchen. I saw there the accused Stoner. I asked him if he could tell me anything concerning the affair that evening whereby Mr. Rattenbury had received his injuries. In response to that invitation he made a statement to me and I wrote it down in my book as it was made. I produce my book (marked Exhibit 39). The statement that I took down is contained on pages 64, 65, the back of 65, and concludes on page 66. Before he signed it, I read it over to him and asked him if it was correct, and I asked him if the 8.5 p.m. referred to by him referred to Sunday, 24th March, 1935, and he said it did. I put Sunday, 24th March, 1935, in, and he then signed the statement. I also produce a copy of the statement Exhibit No. 40. The copy is a true and accurate copy of the statement which appears in my book. The statement is in the following words: "Hants Constabulary. Bournemouth Division. 30th March, 1935." The date is when the copy was made. "George Percy Stoner states: I am a chauffeur handyman employed by Mr. Rattenbury of 5 Manor Road, Bournemouth. I retired to my bedroom about 8.5 p.m. on Sunday, 24th March, 1935, leaving Mr. and Mrs. Rattenbury and the boy John in the drawing-room. About 10.30 p.m. I was roused by Mrs. Rattenbury shouting to me to come down. I came down into the drawing-room and saw Mr. Rattenbury sitting in the armchair with blood running from his head. Mrs. Rattenbury was crying and screaming, and said to me, 'Help me to get Ratz into bed, he has been hurt.' I then took the car and went to Dr. O'Donnell's house. He had left before I got there. When I returned, I cleaned the blood from the floor on the instructions of Mrs. Rattenbury. Mrs. Rattenbury

# Rattenbury and Stoner.

William G. Carter

was sober, and, as far as I know, she had not been drinking. When I went to bed, she was in a normal condition. I have never seen a mallet on the premises. Until I was aroused, I heard no sounds of a quarrel or a noise of any kind. Since September, 1934, I have been employed by Mr. and Mrs. Rattenbury. They have been on the best of terms. I said to her, 'How did this happen?' She said, 'I don't know.' Mr. Rattenbury was fully dressed in the armchair and Mrs. Rattenbury was dressed in pyjamas and bare feet." It was about 7.30 a.m. when that statement was taken down by me from Stoner. At 8.15 a.m. I went into Mrs. Rattenbury's bedroom.

Had she been downstairs at all that you had seen from the time when the police-matron had arrived and she had requested a bath?—Yes, she went downstairs to the ground floor to have a bath. She had returned and dressed then. When I went into her bedroom, she was fully dressed, with the exception of her coat and hat. She appeared to me to be definitely normal. I was in plain clothes. I told her who I was. I told her I was a police officer and cautioned her. She appeared to understand. After I had cautioned her, I charged her.

What did you say to her when you charged her?—I said to her, "I charge you that you did, by wounding, do grievous bodily harm to one Francis Mawson Rattenbury in an attempt to murder him on Sunday, 24th March, 1935." At this time Mr. Rattenbury was still alive. When I charged her, she made a statement to me and I took it down as she made it.

Before we read what she said, did she speak coherently?—Yes, she spoke with deliberation.

Had you any difficulty in understanding what she was saying?—None whatever.

Did you ask her any question while she was speaking?—I did not. I put it down as she made the statement.

Could she see that you were writing down what she was saying?—Yes, I wrote it in front of her.

After you had written down what she said in your book, did you read it over to her?—I did.

When you read it over to her, did she ask you something?—Yes, she made a request to read it herself.

Thereupon did you hand her the book?—I did. She read it for herself; she read it aloud. Afterwards she signed it. Exhibit 41 is a copy of the statement which she made.

Where did she sign this?—In the bedroom, sitting on the bed.

Where was the book when she signed?—She was holding the book in one hand and writing with the other. She was not resting it on anything. This is what she said: "About 9 p.m. on Sunday, 24th March, 1935, I was playing cards with my husband when he dared me to kill him as he wanted to die. I picked up the mallet. He then said, 'You have not got guts enough to do

## Evidence for Prosecution.

William G. Carter

it.' I then hit him with the mallet. I hid the mallet outside the house. I would have shot him if I had a gun. Alma Rattenbury."

As far as you could tell, did she appear to understand what she was saying and doing?—She did. I have been twenty-three years a police officer, and I have been an inspector nearly five years. I have had a good deal of experience in the hearing of statements by persons and the taking of statements.

You have told us that she read it aloud?—Yes.

Did she read it clearly?—She did.

Shortly after that statement was signed, did you leave the house with the accused Mrs. Rattenbury?—Yes, I did.

When you were in the hall on the way out, did you see anybody?—Yes, the accused Stoner and the maid Riggs, at the bottom of the stairs.

Did Mrs. Rattenbury say anything to them?—She did.

What did she say?—"Do not make fools of yourselves." Stoner replied, "You have got yourself into this mess by talking too much." I then took her to Bournemouth Police Station. She did not say anything on the way. At the police station in the presence of Superintendent Deacon I cautioned her once again and charged her. I charged her with the same charge, the attempted murder of her husband.

Did she make any answer?—Yes. She said, "That is right; I did it deliberately and would do it again." At half-past nine on Thursday, 28th March, I saw the body of her husband, Francis Mawson Rattenbury, at the nursing home, and a little after half-past six on the same day I was at the Bournemouth Central Railway Station and I there saw the accused Stoner. I saw him alight from a train arriving from London.

Did you speak to him?—Yes, I went to him and said to him, "You know me to be a police officer." He said "Yes." I cautioned him and conveyed him to the Bournemouth Police Station where, in the presence of Superintendent Deacon, I charged him that he did murder one, Francis Mawson Rattenbury, at Bournemouth, on Sunday, 24th March, 1935." In answer to that charge he said, "I understand." Mr. Rattenbury had died in the morning at 8.30 a.m. I searched the accused Stoner and amongst other articles I found on him Exhibit 3, a gold watch. I took possession of the watch.

When you took possession of the watch, did he say anything to you?—Yes, he said, "Be careful of that watch; it was given me by Mrs. Rattenbury and is worth £20." I also found on him Exhibits 4 and 5, a letter and envelope. The envelope is addressed to "George Stoner, Villa Madeira," and the letter is signed "Lozanne." I also found in his possession two photographs of Mrs. Rattenbury, Exhibit 42. At 5.40 p.m. on the 29th March I saw the accused Mrs. Rattenbury at Holloway Prison in the

# Rattenbury and Stoner.

William G. Carter

presence of her solicitor. I cautioned her. She was charged with the murder of her husband at Bournemouth on 24th March. She made no reply whatever. On 28th March I received from Dr. Harold Simmons a portion of the scalp of the deceased and a number of hairs, and on 8th April I handed those to Dr. Roche Lynch at St. Mary's Hospital, Paddington. I handed them to him in the same condition as I received them. At the same time I handed him the mallet, Exhibit 7. I received that from Police-constable Bagwell on 25th March. It was in the same condition when I handed it to Dr. Lynch as it was when I received it from Police-constable Bagwell. Later, on 8th April, I handed to Dr. Roche Lynch, at St. Mary's Hospital, Paddington, a piece of the scalp of the deceased with some short grey hairs growing on it. I had received that from Dr. Simmons. I also weighed the mallet.

Cross-examined by Mr. O'CONNOR—You arrived at this house at half-past four in the morning?—Approximately half-past four.

And you were there until she was taken away?—Yes. I accompanied her to the police station.

How long did the journey to the police station take?—About four to five minutes.

During the time that you were in the house, what other police officers were there?—When I arrived there was P.-C. Bagwell, another constable, and P.-C. Canfield, with Inspector Mills in charge.

When did Bagwell leave?—Seven o'clock in the morning.

When did Mills leave?—Roughly, about the same time.

When did the other officers leave?—He left before them.

So that at the time the police-matron came there were three police there?—P.-C. Bright was also with me; he arrived and stayed with me.

There were three or four police officers in the house for the whole of the time between 4.30 and seven?—Yes.

Had you ever seen this woman in your life before?—Never.

The first time in your life you ever saw her was when she was asleep when you arrived?—That is so.

You took a statement from her at 8.15?—Yes.

And you have told us that she was then normal?—I did.

Did you say at the Police Court that she was then quite normal?—I said she was normal, I know.

Did you say she was quite normal?—Possibly I did.

Was she quite normal?—Yes.

How can you judge whether a person you have never seen in your life before was quite normal?—I saw Mrs. Rattenbury when she woke up at 6 a.m. and she was then not in a normal condition, but it was at 8.15 that I decided that she was in a normal condition, before I attempted to take a statement from her.



## Evidence for Prosecution.

William G. Carter

So that when you are talking about "normal" you are not relating your normality to the moment you saw her at six o'clock when she woke up?—Yes.

She was different at 8.15 from what she was at six?—She was very greatly different.

You are not suggesting that it is a true test as to whether a person is normal whether they are slightly different two hours later?—With respect, with my experience as police officer, I consider I am a good judge.

You considered this woman at 8.15 that morning was a quite normal woman?—Definitely, yes.

Do you agree with Dr. O'Donnell that no reliance could be placed on any statement taken from her at that time, 8.15?—No, I do not.

Do you know she had had half a grain of morphia?—I was told she had an injection of morphia. I did not inquire how much it was.

Why not?—It did not concern me.

Did it not concern you, if you were going to take a statement, to know how much it was?—No, because if I had not been satisfied that she was normal I should not have taken a statement from her.

Was it not natural to know how much drug she had had in order to know whether she was normal or not?—To my mind, no.

Did you find out how much she had been drinking?—I was told that she had been drinking. I was unable to find out, because there was none in the house.

Did you know why she had been given morphia?—I was told.

Because she was not in a fit condition, walking about the house, to be left undrugged?—I was told she was given morphia to quieten her.

So you knew she was so much under the influence of drink that she had to be drugged, and also that she had had a considerable dose of morphia?—Only what I was told. You will appreciate that.

Did she wake, as you put it, at six o'clock?—She did.

Did you waken her?—I did not.

Did the police constantly go in and out of the room between 4.30 and six to try and get this wretched woman awake?—No.

Miss Riggs was there?—She was in the house.

Did you send her up to the room several times to see if she was wide awake?—No.

Did you go in yourself?—I was in and out of the room continually.

Did you send any other constable up to the room to get her up?—No.

Did you want to get her up?—No. Soon after she woke up, she wanted to get up and dress and I would not allow her to.

# Rattenbury and Stoner.

William G. Carter

Did you want to leave her asleep or get up?—I would not allow Mrs. Rattenbury to get up and dress, because I knew as a police officer that if she attempted to dress I would have to leave the room. Therefore I would not leave her alone until I had sent for a police-matron.

Did you go into the room with Miss Riggs between six and half-past?—No. I was in the room at six o'clock when I sent for Miss Riggs.

What for? You had seen her asleep at half-past four. You knew she had morphia. Did you expect her to wake up in an hour and a half?—I had no idea when she would wake up. I was out to investigate the cause of the injuries received by Mr. Rattenbury.

And to investigate by asking Mrs. Rattenbury questions about them?—No, I was not putting any questions about them.

Had you any intention of asking her about them?—No.

Did you intend, from what you had heard, to arrest her?—I had definitely made up my mind to arrest Mrs. Rattenbury.

And the quicker the better?—No, otherwise I should have done that at six o'clock when she woke up first.

What?—Had I had the intention, you said to me, with every respect, the quicker the better. I said, "No. If I had been of that mind—the quicker the better—directly she woke up at six o'clock, I should have arrested her then"—had I been of that mind, but I was not. Her condition at that time was not such as she could be charged, therefore I did not charge her at that time. I took the precaution of sending for coffee, sending her to have a bath, and waiting for her to be definitely normal before I charged her, and I asked her no question, I charged her immediately.

You sent her to have coffee and to have a bath so as to make some semblance that she was a reasonable woman?—So that she could understand the charge which I was going to put before her.

Did you hear her try to vomit?—She felt sick, that is correct, and I sent for a bowl. Soon after she woke she wanted to vomit.

Did you see that the wretched woman could not hold the coffee cup?—To the best of my recollection, she did hold it. I will not swear that.

Did you see that the saucer was shaking in her hand?—No.

And that she could hardly drink?—No.

Did you see her that evening when Dr. O'Donnell came to the station?—Yes.

She was unable to walk then?—No.

Then Dr. O'Donnell told us that which was untrue?—If he said that.

Do you say she was able to walk?—She walked from the cells to the waiting-room several times that morning.

Was she swaying about when Dr. O'Donnell examined her?—He did not examine her.

# Evidence for Prosecution.

William G. Carter

Did you notice whether her pupils were contracted at that time?  
—No.

According to you, she was talking normally?—Yes.

And walking normally?—Definitely normal.

Perfectly normal?—I say she was quite normal because of the matters she discussed with Dr. O'Donnell, and she had previously seen her solicitor and the maid Riggs.

Do you know that the medical officer at Holloway has reported she was still under the influence of drugs three days later?—No.

Have you never heard that until this moment?—No. He never reported it to me.

Is it your evidence that from the time you began to take her statement until she left your charge she did not appear to you to be under the influence of drugs?—No, she did not.

Not at any time?—Not at any time.

Supposing you had seen that woman, and had never seen her before, would you have said, "This woman is neither drunk nor incapacitated in any way from anything I can see"?—I should say so, yes.

Did Miss Riggs say, "The woman cannot get up as long as three police officers are in the room. Give her a chance"?—Not to me, and not to my knowledge either.

Did you hear that she had complained about the officers being in the room?—No.

By Mr. JUSTICE HUMPHREYS—Who had complained—Miss Riggs?—Yes.

*Cross-examination continued* by Mr. O'CONNOR—Did you hear that she had done so?—No, I should have been the officer to have received that complaint, I was the officer in charge.

You did not receive it?—No, I did not.

Did the officers retire to the balcony?—That was when she was dressing.

When she was dressing, I agree?—Yes. That was after the police-matron had arrived. We all went out of the room when the police-matron arrived, naturally.

On to the balcony?—No, not on to the balcony. We went out of the room.

Did none of them go on to the balcony?—Not to my knowledge. There was P.-C. Bright and I there at that time, and we went out of the room on to the landing.

Did you see her after she had had her bath?—Yes. That was at 8.15 when I cautioned her and charged her.

Did she say she wanted to go to sleep?—No.

Do you swear that?—I will swear that.

Was she able to walk down the stairs without trouble to her bath?—I do not know. I did not take her down.

# Rattenbury and Stoner.

William G. Carter

Did she have to be helped?—Not to my knowledge. As soon as the police-matron arrived I left the room. Before she went downstairs I left her in the bedroom. I went down then and I saw Stoner. At the time Mrs. Rattenbury came downstairs I was in the kitchen on the ground floor.

Did you see her going back upstairs?—No.

So you cannot tell whether she walked with a firm, brisk step, or whether she was staggering back?—No. I was told she had returned to her bedroom and had dressed.

Where did you get Mr. Rattenbury's full name?—I think we got it from documents we found at the house, but we got all particulars of Mr. Rattenbury from a relation.

But you had not seen the relation on the night of the 24th, had you?—No.

You have sworn to the jury that you said to her on that night, "I charge you that you did, by wounding, do grievous bodily harm to Francis Mawson Rattenbury." Where did you get his Christian names from?—From the documents in the drawing-room.

Which documents?—In the drawing-room which Mr. Rattenbury used to use there was a sideboard and a desk which was full of documents dealing with architecture, with his name on them.

So you got one of those documents before charging her?—I think, if I am correct, that I asked Irene Riggs if that was his full name. I think I am correct in saying that.

Not only was this lady in your judgment fully in possession of her senses, knowing what she was saying, but she was able to read it out with a clear voice?—With deliberation.

With a clear deliberate voice?—Yes, with deliberation.

None of that incoherence that you would expect from a person who had been drunk and drugged within a couple of hours—no slurring over or anything?—No.

Who four hours before received half a grain of morphia?—I did not know anything about the amount she had.

None of the thick speech which you would expect from somebody who had been drunk at half-past three?—No.

Clear, deliberate expression?—Yes.

And that confirmed you in your opinion that she was quite normal?—Definitely.

What time did you charge her at the police station?—About 8.35. It was 8.15 at the house, and she had to dress and get down.

Was she standing or sitting when you took the statement?—She was sitting on the bed.

Did she reply in a clear deliberate voice, "That is right. I did it deliberately, and would do it again"?—Yes.

Fully understanding the whole matter?—Yes, definitely.

Do you know that she was saying that the previous evening between six and seven she had rung up Mr. Jenks. You have known at some time that she made that statement?—I have known since.

## Evidence for Prosecution.

William G. Carter

And you have inquired of Mr. Jenks?—Yes, and I have verified it in other ways and find it is correct.

Between six and seven she telephoned to Mr. Jenks and said that she and her husband would be coming over the following day?—I did not know that. I know she telephoned to Mr. Jenks.

Did not Mr. Jenks write to the superintendent of police at Bournemouth?—Yes.

Have you seen the letter?—I do not know what she said. I know that Mr. Jenks said that Mrs. Rattenbury had written saying that they would be going to Bridport and would probably be calling.

MR. JUSTICE HUMPHREYS—Nobody knows better than you that all this is quite irregular. I do not want to stop you, but do not go too far. Mr. Jenk's opinions on various subjects do not matter at all.

MR. O'CONNOR—I do not want his opinions at all. I merely want a fact.

MR. JUSTICE HUMPHREYS—The officer says he has ascertained that she did telephone that night.

*Cross-examination continued by Mr. O'CONNOR*—Has this mallet been examined for fingerprints?—Yes.

And none have been found?—I examined it myself.

None have been found?—None have been found.

Is it a fact that people sometimes do wear gloves to prevent fingerprints appearing on things?—Very often.

If it were not a fact that whoever used that mallet had been wearing gloves, would you expect to find fingerprints on it?—No, not on wood of that description. It is a little bit rough.

None at all?—It depends on how they held it. You could make fingerprints and so could I. Some people would hold it in such a way that there would be no fingerprints on it.

But possibly you would find fingerprints?—They would have to be good ones because of the thickness of the wood.

That means it would have to be held by someone holding a firm grip?—Yes.

Someone trying to hit someone with a mallet would take a firm grip?—It just depends on how they hold it.

In the sense of firmness?—It depends on how they hold it.

If you hold it normally, you are more likely than not to make fingerprints?—Exactly.

And you found none whatever?—No.

By MR. JUSTICE HUMPHREYS—Did you find Police-Constable Bagwell's fingerprints on it?—No.

Was he wearing gloves when he picked it up?—I think he was. This was early in the morning.

# Rattenbury and Stoner.

William G. Carter

*Cross-examination continued* by Mr. O'CONNOR—I expect it is one of the first things you teach your officers—to be very careful not to make fingerprints on articles which they find, and which may be made exhibits?—Naturally.

At any rate, he was wearing gloves?—Yes.

You agree with me, I suppose, that you would expect to find fingerprints rather than not find them?—Yes.

And you have not found them?—No.

Cross-examined by Mr. CASSWELL—When you first went to Villa Madeira on that morning it was about 4.30, was it not?—Yes.

How soon did you take up your position in Mrs. Rattenbury's bedroom?—I went there immediately. That was the first thing I did when I got there. I did not stay there the whole time, but I went there first.

How much of Stoner did you see in the meantime before you took his statement at 7.30?—Quite a lot.

Do you mean you spoke to him?—No. I saw him in and about the house, and when I was looking round the grounds he was also there. I did not have anything to say to him at all about anything—not until I took a statement. He had spoken, of course, to several other officers.

You did not send him to bed, or anything like that?—I did not. I had no reason to as regards Stoner.

Was Inspector Mills with you when you took that statement from him?—No, Detective-constable Bright.

I was wondering whether anybody said to him, "Did you hear a quarrel downstairs" or whether he volunteered it?—No. As a matter of fact, Stoner was asked a number of questions during the time I took that statement. I did not ask him anything personally, but he was asked a number of questions. He was asked about a quarrel and he was asked if he had seen a mallet on the premises, and several other questions.

He had been asked certain questions before he made the statement?—Yes, quite.

Which may account for things like this, "I heard no sounds of a quarrel or noise of any kind"?—Quite. He was asked questions of that nature. At that time there was no suspicion of anything connected with Stoner in this case.

And no further statement was taken from him from that time until his arrest?—None at all.

May I take it that Irene Riggs rang up the police station at some time?—Do you mean on that day.

No, later on?—Yes, she did.

Was it as a result of information received from her that you arrested Stoner?—That was partly the cause of it, naturally.

Above the very chair where this man was killed, or badly hurt, over the mantelpiece were there two swords hanging up?—Yes.

## Evidence for Prosecution.

William G. Carter

And also a pistol with a heavy butt?—Yes, there was.

And the pistol with the heavy butt could easily have been used to give the man a very bad hit on the head?—Yes.

And yet for some reason or other apparently this mallet was used?—Yes, that is so.

I suppose there were other things about the premises which could have been used?—I suppose there were several.

And when you came to look to see that man's head, as you did see it, I think, at the nursing home, there could be no doubt whatever that he had had violence done to him by someone?—I am not in a position to say anything about the head, because it was swathed in bandages when I saw him at the nursing home.

Re-examined by Mr. CROOM-JOHNSON—At seven o'clock in the morning when the police-matron arrived, how many police officers were on the premises?—At that time there would be P.-C. Bagwell, Inspector Mills, Detective-constable Bright, and I believe—I am not positive—P.-C. Canfield and myself, making five.

As soon as the matron arrived, did some of them go away?—I think I am correct in saying that Inspector Mills, P.-C. Canfield, and P.-C. Bagwell left, leaving Detective-constable Bright and myself there, and I sent for another detective officer, making three.

And, of course, the police-matron?—Yes, the police-matron.

Was Detective-constable Bright with you at the time when one or other of these statements were made?—When they were both taken.

You say that when Mrs. Rattenbury was seen at the police station that Monday she was seen by Dr. O'Donnell?—Yes, he made a request to see her.

She made a request to see him?—No, he made a request to see her.

Had she interviewed her solicitor that morning?—Yes.

Once or more than once?—Yes, twice, I think I am correct in saying.

Do you recollect whether she had been before the magistrate that morning?—Yes, she had at eleven o'clock.

At eleven o'clock on Monday, the 25th?—Yes.

Then Dr. O'Donnell had requested to see her and did see her about one o'clock, was it?—Yes, anywhere between 12.30 and one. I would not swear to the time.

You told my learned friend Mr. O'Connor that she discussed matters with Dr. O'Donnell?—Yes, she did.

I do not want any detail, but what sort of matters—private or what?—It was regarding the schooling of her children.

Was it an intelligible conversation?—Yes.

I do not want details. How long was Dr. O'Donnell with her?—I should think about twenty minutes.

## Rattenbury and Stoner.

William G. Carter

You had come to the conclusion, I suppose, that a crime had been committed by somebody?—When I visited the scene, definitely.

So far as you were concerned, being there, as you have told us already, you had made up your mind that you were going to arrest Mrs. Rattenbury?—Definitely.

In pursuance of your duty as a police officer, when you came to that conclusion, was it your duty to watch a suspected person that you have made up your mind to arrest?—It was.

Was there anything in this case apart from your ordinary duty as an ordinary officer that you were doing?—Nothing whatever.

SYDNEY GEORGE BRIGHT, examined by Mr. HAWKE—I am a detective-constable in the Hampshire Constabulary stationed at Bournemouth. I went to 5 Manor Road, Bournemouth, in the early morning of 25th March. I went there to assist Inspector Carter. I got there at 5.30 a.m. I assisted Inspector Carter in various inquiries he made. I was present in the house when Mrs. Rattenbury was taken by Inspector Carter to the police station. When they were leaving the house, I was standing in the hall. The accused Stoner and the witness Riggs were also in the hall at that time. As Mrs. Rattenbury was being taken through the hall, she said, "Do not make fools of yourselves," and in reply to that Stoner said, "You have got yourself into this mess by talking too much." Three days later, on 28th March, I went back to Manor Road and searched Stoner's bedroom. I found there the receipt, Exhibit 19. That is a receipt for a diamond ring. I also found Exhibit 22, which is a receipted hotel bill for the Royal Palace Hotel, Kensington. I also found in a suitcase in Stoner's bedroom a pair of shoes. The day after I found in Mrs. Rattenbury's bedroom a counterfoil cheque book, which is Exhibit 18. I was present on 25th March when a statement was made to Inspector Carter by Mrs. Rattenbury. I heard her make the statement. The statement was made about 8.15 a.m.

And what condition was she in when she made the statement?—She seemed quite normal and very deliberate in her manner when she made that statement. The statement was taken down by Inspector Carter in his notebook as she made it. After it was taken down, it was read over to her by Inspector Carter, and then Mrs. Rattenbury made a request to read it herself. She was handed the notebook. I then left the room to arrange for transport. I do not know what happened when she took the statement to read it.

Cross-examined by Mr. O'CONNOR—You had never seen her in your life before?—No.

Would you agree with Dr. O'Donnell that no reliance could be placed on any statement she made in her then condition?—I should not. She appeared to me to be quite deliberate and normal.



# Evidence for Prosecution.

Sydney G. Bright

Not like a person who had been drugged the night before?—No.

Although she had been drunk and had half a grain of morphia?  
—To me she appeared quite normal.

You are, I suppose, accustomed to see people in the Police Courts the day after they have been very drunk and had to be arrested?—Yes.

They do not look their best, or normal?—No.

Would you call those people normal?—No.

May I take it that at 8.15 that morning she was in quite a different condition from people who have been arrested in that way?—Comparing Mrs. Rattenbury's condition when I first saw her at six o'clock with when I saw her at 8.15, she was a different woman altogether.

Have you been in Court while Inspector Carter gave his evidence?—No.

At six o'clock she had only had a drug an hour and a half ago?  
—Yes.

At a quarter-past eight she was able to stand without being helped?—When she made that statement, she was sitting on the bed.

Did you see whether she was able to stand unassisted?—I saw her when she came downstairs shortly afterwards. She was assisted down.

Was she swaying about when she stood up?—No, I did not notice that.

Did you see her having coffee?—Yes, at an early stage.

She was hardly able to drink that, was she?—She drank the coffee. I believe she had two cups.

But she was shaking and she had difficulty in drinking it, had she not?—I did not notice that.

You had never seen her before, and you do not know what she is like when she is normal, do you?—I had never met her before that morning.

At any rate, you are telling my lord and the jury that you saw none of the signs that you would expect to find in a person who had been both drunk and drugged a few hours previously?  
—Not at 8.15.

Would you have been quite happy to trust her with anything she liked?—Yes.

Would you have let her drive a motor car?—Well——

Why not, if she was quite normal?—But I did not know whether she could drive—whether she is a fit person to drive a car.

Assume for a moment that she knows how to drive, what would you have done if you had seen her step into a motor car and try to drive it away from 5 Manor Road at 8.15 that morning?  
—I should have let her go. She was not in such a state that I should have thought she was under the influence of drink.

Do you say you would have allowed her to drive away from that door without arresting her?—I should.

# Rattenbury and Stoner.

Sydney G. Bright

After being helped downstairs?—Yes. She was in such a condition that she had to be helped slightly.

Why should you say that was?—I could not say what her condition was caused by.

Cross-examined by Mr. CASSWELL—It was when she was in that condition, whatever it was, that as she went out she said, "Do not make fools of yourselves"—That is correct.

Are you sure she said, "yourselves," and did not say "yourself"?—It was "yourselves," as I heard it.

As though she was addressing both Stoner and Irene Riggs, apparently?—Yes.

Were there any police officers in the house after you left?—Yes, I believe there was an officer left in the house after we left with the accused Rattenbury, but I could not say definitely.

Was there any officer visible in the hall when she went out, leaving those two servants together in the house?—I cannot remember. There were Inspector Carter, myself, and Stoner and Miss Riggs there.

At any rate, the point is that she was talking to both of them and said, "Do not make fools of yourselves" as she went out?—That is so.

Re-examined by Mr. CROOM-JOHNSON—In accordance with the usual practice, have you been out of Court all the time until you came into the witness-box?—I have.

GEORGE HENRY GATES, examined by Mr. HAWKE—I am a detective-constable in the Hampshire Constabulary stationed at Bournemouth. I was in charge of the accused Stoner on 29th March when he was taken to Bournemouth Police Court. At eleven a.m. in the morning, or a little after eleven, I was in the detention room at the Police Court and Stoner spoke to me. He said, "You know Mrs. Rattenbury, don't you?" I said, "Yes, I do." He said, "Do you know Mrs. Rattenbury had nothing to do with this affair?" I immediately cautioned him.

By Mr. JUSTICE HUMPHREYS—You stopped him then and gave him the caution?—Yes. He then said, "When I did the job, I believed he was asleep. I hit him and then came upstairs and told Mrs. Rattenbury. She rushed down then. You see, I watched through the french windows and saw her kiss him good-night, then leave the room. I waited and crept in through the french window which was unlocked. I think he must have been asleep when I hit him, still it ain't much use saying anything. I don't suppose they will let her out yet. You know there should be a doctor with her when they tell her I am arrested, because she will go out of

## Evidence for Prosecution.

George H. Gates

her mind. My parents did not stop long, did they? " That last remark referred to a visit by his parents to the Court.

Did you take that statement down in writing?—I wrote it on a piece of paper.

As he made it?—The best I could, yes.

Was it a statement that he made of his own accord?—Yes.

Did you ask him questions while you were taking it?—No, I allowed him to go along.

Mr. O'CONNOR—I have no questions.

Cross-examined by Mr. CASSWELL—This was Friday, was it?—The morning after his arrest.

Was it the night before when he was so drunk?—On the Wednesday night he was drunk.

It was the day he went up to town?—That was on the Thursday, the morning after he had the drink.

And then he was arrested as he came off the train that night?—I was not present.

Were you one of the police officers who were in his bedroom on the night of Wednesday?—I was called for.

He was very drunk indeed, was he not?—He was not very drunk; he was intoxicated.

Was anything said by him or by any of the officers in your presence about taking " snuff " on that occasion?—I do not remember.

You know what I mean, do not you, by " taking snuff " ?—Well, I have seen snuff.

I mean by snuff, cocaine?—No, he said nothing about that.

Did any of the officers say anything about it while you were there?—No.

Are you quite sure?—Positive.

By Mr. JUSTICE HUMPHREYS—What were the police officers doing with him on Wednesday? How did you come to see Stoner on the Wednesday?—I just arrived home and was at supper when the police car called for me.

Never mind what the police car did?—A request had been made by somebody at Madeira Villa for police to be sent, and I was sent for and I went.

Where was Stoner?—He was in bed then.

He was then drunk, was he?—Yes, he had vomited on the floor.

There was no charge as the result of that against anybody?—None at all.

WALTER CHARLES JONES, examined by Mr. HAWKE—I am a detective-constable in the Hants Constabulary. On 28th March, 1935, I was at the Strathallen Nursing Home when Mr. Rattenbury

# Rattenbury and Stoner.

Walter C. Jones

died. I was actually at his bedside. It was at a quarter-past eight in the morning. I went on 5th April to 5 Manor Road with Inspector Carter, and I there took possession of a parcel which contained various articles of clothing contained in Exhibit 24, some pyjamas, and Exhibit 27, some shirts, and a pair of shoes and shoe-trees, Exhibit 29. I also took possession of Exhibit 30, some socks, and other articles, and Exhibit 33, a blue suit. They were in a parcel which had been sent from Messrs. Harrod's and were in the dining-room of 5 Manor Road. They were all new goods.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

HARROLD SIMMONS, examined by Mr. HAWKE—I am a registered medical practitioner and police surgeon at Bournemouth. On 28th March at five o'clock in the evening I made a *post-mortem* examination of the body of Mr. Rattenbury. Mr. Rooke and Dr. O'Donnell were both present.

As the result of your examination of the nature of the injuries, did you come to a conclusion with what sort of force they had been inflicted?—Very considerable force.

Look at Exhibit 7. Were they injuries which could have been inflicted with that?—They could have been inflicted with this—a blunt heavy instrument with a rounded edge.

Actually how many wounds were there?—Three definite wounds on the skull.

How many blows do you think?—Those injuries meant three separate blows. They could not have been inflicted with less than three separate blows.

What sort of a man was Mr. Rattenbury?—He was a well-preserved, strong man for his age, with no evidence in his physique of anything like his age. I knew he was sixty-seven or so. He was 5 feet 11 in height.

And the body was healthy, was it?—The body was healthy.

Perhaps I can take it in the form of a leading question. You came to the conclusion that there was no evidence of there having been any struggle by the dead man before he became unconscious?—I was quite satisfied there was no evidence of marks of any kind of injury on the body such as would indicate a struggle or resistance except three small bruises in the neighbourhood of the left knee which might easily have been caused in moving his body from one room to another while he was still alive.

Is there any possibility of the wounds having been inflicted by himself?—None whatever.

There has been some evidence that the seat of the chair in which Mr. Rattenbury was accustomed to sit was wet with urine. Is there an explanation of that?—Yes; immediately following unconscious-

# Evidence for Prosecution.

Harrold Simmons

ness produced by concussion or compression of the brain the sphincter muscle of the bladder is relaxed and the urine escapes.

I think after you had conducted the *post-mortem* examination you took a piece of the scalp on which there was some grey hair growing?—I did. I handed it to Inspector Carter. I also removed the skull cap which I had photographed.

Mr. O'CONNOR—I have no questions.

Cross-examined by Mr. CASSWELL—Did you form any impression as to from which direction the blow came over the ear?—I was quite satisfied it came from behind and above the level of the ear.

EWART MORRIS TREGUNNIN, examined by Mr. CROOM-JOHNSON—I am chief cashier of Barclay's Bank at their branch in Old Christchurch Road, Bournemouth. I live at 13 Kingsbridge Road, Parkstone, Dorset. The accused Mrs. Alma Rattenbury has an account at our branch. The deceased Francis Mawson Rattenbury also had an account. I produce a certificate under the relative section of the Companies Act, 1929, relating to Barclay's Bank, Exhibit 8. I also produce a copy of the account of Mrs. Rattenbury in the books of the bank from 1st September, 1934, to 28th March, 1935, Exhibit 39. That is a copy of entries in the books of the bank. I have examined it with the original books, and it is correct. It shows that in the year 1934 by 10th December Mrs. Rattenbury's account was overdrawn by £5 7s. 10d. The account remained overdrawn from that time until 18th March, 1935. The amount of the overdrawing varied from time to time. The highest figure of the overdraft was on 26th February when it amounted to £93 15s. 1d. On 18th March there is a credit to that account of a sum of £250. That credit was a cheque for that amount drawn by Mr. Rattenbury on the Bank of Montreal in favour of Mrs. Rattenbury. On the same day, 18th March, 1935, there was withdrawn from Mrs. Rattenbury's account the sum of £50. I produce a cheque for that amount, Exhibit 10. That cheque is signed "Alma Rattenbury." That is the signature of the accused Mrs. Rattenbury. The body of the cheque is filled in in Mrs. Rattenbury's writing, I think. The accused Stoner presented the cheque. The bank paid him the sum of £50. It was paid in nine £5 Bank of England notes and five £1 Bank of England notes (shown Exhibit 11). That is a true extract from the books of the bank showing what the numbers of the nine £5 Bank of England notes were. They were numbered 051.J.01486/94. Stoner had cashed cheques payable to himself previously. He never cashed cheques drawn on Mr. Rattenbury's account to my knowledge. I produce a series of cheques drawn by Mrs. Rattenbury, Exhibits 12, 13, 14, 15, 16, and 17. These

# Rattenbury and Stoner.

Ewart M. Tregunnin

are all cheques signed by Alma Rattenbury. They are in Mrs. Rattenbury's handwriting. They are all made payable to George Stoner or order. They are for £1, on the 18th February; £5 on 4th March; £1 on 11th March; £1 on 18th March; £3 on 25th February; and one for £5 on 25th March. The one dated 25th March was paid by the bank on 26th March. It was paid in cash across the counter. It is payable to George Stoner, the accused. I also produce the counterfoils of some of these cheques, Exhibit 18. I have counted up and there are between 1st September, 1934, and 5th April, 1935, 24 cheques made payable to Stoner drawn by Mrs. Rattenbury and totalling £37 6s. 5d. (shown Exhibit 48). That is a document that I have not seen before, but it purports to be a cheque on our branch, dated 25th March, for the sum of £5. The body of that cheque and the signature are in Mrs. Rattenbury's handwriting.

Cross-examined by Mr. CASSWELL—It is only fair to say that in that account continually we find the name of Stone instead of Stoner?—Because the writing on the cheque is not very clear.

WILLIAM GOLDSWORTH CARTER, further examined by Mr. CROOM-JOHNSON—I have shown to me two cheques, dated 25th March, payable one to Stoner and the other to Riggs, each for £5. These cheques were signed by Mrs. Rattenbury at Bournemouth Police Station on Monday, 25th March, 1935, about twelve noon.

Mr. JUSTICE HUMPHREYS—Members of the jury, before you separate, I think it may save you looking through them at a later stage if you just take these documents now and glance at them for your own satisfaction. A great deal has been made here about the statement which Mrs. Rattenbury made at 8.15 on the morning of 25th March. You will remember all the cross-examination, and what the doctor said, and what the police officers said. It is a statement which is signed by her, there is no question about that, and sometimes you can get some assistance from a person's signature as to whether they are capable of knowing what they are doing and what they are writing, and whether they are in a fit state to write or not. For that purpose I want you to look at the signature, which is admittedly hers, "Alma Rattenbury," in that little book and compare that with half a dozen of the cheques which are also admittedly her ordinary handwriting, Exhibits 17, 48, 12, 13, 14, and 15. You will see that two of those were written on the same day at the Police Court. Those are ordinary cheques. If you will be good enough to do that then it will not be necessary for you to go through it all again.

The Court adjourned.

### Third Day—Wednesday, 29th May, 1935.

The FOREMAN OF THE JURY—May we ask a question? We notice the head of the mallet is split in two from side to side; the bottom half seems to slide easily along the handle. Could we know if it was in that condition when found by the police?

Mr. JUSTICE HUMPHREYS—Yes.

Mr. O'CONNOR—I wonder if I may refer at this stage to a matter which I mentioned? As I told your lordship last night, Dr. Morton is, I am instructed, seriously ill, and it is not possible, therefore, to call him to give evidence of a report which he made, and of which the prosecution have furnished us with a copy, and my learned friend, Mr. Croom-Johnson, has been good enough to say he has no objection to my reading it, and, subject to your lordship's approval, it should not be taken as depriving me of the last word if I do read it.

Mr. CASSWELL—I have had an opportunity of reading it, and I wish to do nothing to hinder my friend in his defence in any way. I consent to his reading it.

Mr. JUSTICE HUMPHREYS—Very well, you shall read it as part of your case without proving it.

Mr. CROOM-JOHNSON—I will now proceed to deal with the question asked by the foreman of the jury.

### Evidence for the Prosecution (continued).

ARTHUR ERNEST BAGWELL, further examined by Mr. CROOM-JOHNSON—Look at the mallet which you told us you found somewhere about 6.15 on the morning of Monday, the 25th (shown mallet). Do you observe that the head of the mallet is broken through?—Yes.

And if you try you will find that the lower half of it nearer your hand slides up and down the handle fairly easily. Are you able to tell whether the mallet was in that condition when you found it, or, so far as you know, was it with the two parts adhering together?—I did not notice that. I handled it very carefully, but I did not examine it to that extent.

By Mr. JUSTICE HUMPHREYS—You handed it to whom?—I handed it to Detective-inspector Carter, in the first place, and then on his instructions I took it straight to the police station where I lodged it in one of the cells.

Mr. CROOM-JOHNSON—I think we will be able to clear this up from Dr. Lynch's evidence.

# Rattenbury and Stoner.

Dr Roche Lynch

Dr. ROCHE LYNCH, examined by Mr. CROOM-JOHNSON—I am a registered medical practitioner at St. Mary's Hospital, Paddington, and I am Senior Home Office Analyst. I was handed the mallet in question in this case by Detective-inspector Carter on 8th April of this year. I examined the mallet on the same day and on subsequent days.

Are you able to help his lordship and the jury about the head of the mallet? You have heard the question which I asked of the last witness?—Yes. I can help to this extent: I did not try forcibly to separate the two pieces, but they certainly would not come apart readily. I did not try to bang it on the bench and deliberately force it apart, but there was no evidence to show they were readily coming apart, as we have seen this morning.

By Mr. JUSTICE HUMPHREYS—You noticed there was a split?—Yes.

*Examination continued*—Just take the mallet in your hand and see if you can separate the two pieces again. There is a crack in the side. Can you say from looking at that crack whether it is a crack which has been there for some time?—I should say yes, it is an old crack.

On the same day as you were handed that mallet, were you handed by Detective-inspector Carter an envelope containing a portion of the scalp of the deceased?—Yes.

And an envelope containing hair which had been cut from the head of the deceased?—Yes.

Did you weigh the mallet?—Yes, the weight of the mallet was 39 ounces. That is 2 lbs. 7 ozs.

On examination of the mallet what did you find?—Attached to the head of the mallet at the junction of the side and the head were a number of hairs and a thin whitish substance which resembled a portion of skin.

(Witness indicated the position on the mallet produced to the jury.)

In the same region did you notice anything else?—The mallet was stained with human blood.

Was there sufficient blood for you to be able to distinguish to which group it belonged?—No.

What were the hairs?—The hairs attached to the mallet were human, and appeared to be of three types—white hairs, greyish and darkish hairs. The hairs were about an inch to two inches long, and had been cut at one end.

Just let us stop there for a moment. When you say cut at one end, what did that indicate to you?—That they were ordinary short hairs, probably from the head of a man who had periodically visited the barber.



## Evidence for Prosecution.

Dr Roche Lynch

And at the other end did you notice anything else?—Many of the hairs revealed the presence of the root, which, when these roots were examined, showed that they had been forcibly pulled or drawn out of the scalp.

Did you examine the whitish substance?—Yes. Perhaps I ought to say here it was rather loosely attached to the head, and as I wanted to get at some of the blood underneath I detached it and mounted it in a special glass which is here.

That is the scraping of hair from the mallet?—That is the hair containing nearly all the whitish substance which I referred to as the outer layer of skin (produced and marked Exhibit No. 49).

Were you able to distinguish what that whitish substance was?—It was, in fact, outer layers of skin.

Did you remove that from the mallet in order to enable you to obtain samples of the stains of blood underneath the skin, in order to distinguish what blood it was?—Yes.

Could you form any opinion from your examination of the mallet and the hairs and the skin how the hairs had become detached from the human being?—It seemed to me that if this mallet was used in striking the skull, and the end of the mallet having the grain of the wood cut at right angles, cross-grained, a grazing type of blow must have been struck, and the roughness of the cross-grain scraped the skull and so detached the thin layers of skin and the hairs.

As regards the amount of blood on the mallet, was that much or little?—Very little.

Was there evidence of any attempt to remove the blood from the mallet?—I found none.

You were handed also, you told us, an envelope containing hairs taken from the head of the deceased. Did you compare these hairs with the hairs that you found on the mallet?—I did.

With what result?—That the hairs in the envelope were quite short hairs, a quarter to three-eighths of an inch long. They were human hairs and had been cut at both ends.

Did that indicate to you that they had been cut from the scalp?—Yes, consequently there was no root present.

By Mr. JUSTICE HUMPHREYS—You were asked to give your conclusion rather than the steps by which you arrived at it?—The hairs from the mallet and those cut from the head bore a striking similarity, and I am of opinion that the hairs from the mallet in all probability came from the head of the deceased.

*Examination continued*—Were there any hairs on the portion of the scalp that was handed to you?—There were some hairs, one or two tiny short hairs, but the material had dried up so much it was quite useless for any examination purposes.

## Rattenbury and Stoner.

Dr Roche Lynch

There is only one other matter I wish to question you about. Have you made a study of the properties of the drug called cocaine?—Yes.

And are you prepared to give any assistance to the Court on that subject if necessary?—To the best of my ability, yes.

Cross-examined by Mr. CASSWELL—Have you had any experience of cocaine addicts?—As patients, no.

In what capacity or in what position have you examined cocaine addicts?—I have not really personally examined cocaine addicts. My knowledge is based upon what I might call the toxicology of cocaine.

Are you conversant with Dr. Myer's latest book written in German, but translated into French, on the subject of cocaine?—No, I am not conversant with that book.

Do you know Dr. Gillespie of Guy's Hospital?—Yes.

Do you know his book which is called "Henderson and Gillespie's Textbook"?—Yes.

It is a well-known book?—Yes.

Am I right in saying that one of the symptoms, or a typical symptom, of cocaine is that the patient will tell you that he feels moving insects under the skin?—He may tell you that in certain stages of addiction.

Some describe it as sand, do they not?—Yes.

Have you come across cases where they thought they saw the insects on their skins?—I have heard of them.

Is that a symptom which appears after a considerable amount has been taken?—I must qualify that. That symptom is characteristic in people who have taken cocaine over a long period of time—what are known as cocaine addicts—but you used the words "large dose," and I thought probably you meant a single large dose.

No; small doses perhaps over a long period of time?—A long period of time, yes.

And, therefore, if someone told you of those symptoms, or described those symptoms to you, you would naturally think that person had been taking cocaine for some length of time?—Well, it would form a suspicion in my mind, and I should want to know a great deal more about the patient before I came to any final conclusion.

And I suppose you would want to know something about the early history of the patient?—Yes.

Supposing you found a case of a person who had not walked until he was three years of age, would that fact make him a little more liable, do you think, to the influence of cocaine?—No, I should not think so.

Supposing that, added to that, you find that the whole length of his schooling was only three years, and that there was inter-

## Evidence for Prosecution.

Dr Roche Lynch

mittent moving from school to school, and as a result he was backward in education, would that affect at all his proneness to cocaine?—I think only to this extent, that if the man is verging towards feeble-mindedness he is less capable of resisting the addiction to drugs than a normal person.

Less capable of resisting addiction to drugs than a normal person, but, having taken drugs, do you think it would not have more effect upon him than upon a normal-minded man?—No, I do not think so.

Have you had any experience of such cases?—No, except that one finds in so far as medicinal doses of cocaine are concerned that the more highly educated and more highly strung person is more liable to have alarming symptoms than the lower type of individual.

I did not quite catch that. What did you say they were more liable to get?—I was speaking of medicinal doses, getting alarming symptoms; I mean symptoms of commencing poisoning.

Do you know Dr. Weatherly, of Bournemouth, the brain specialist?—I know him slightly.

Would you agree with him that a typical symptom of cocainism, of somebody having taken cocaine continuously, is hallucinations of touch?—Yes.

And I suppose hallucination of touch has something to do with this feeling under the skin, has it not?—It is all part of what I may call disordered sensation.

Have you heard that called the "cocaine bug"?—The term "cocaine bug," as I understand, was in reference to this alleged insect crawling under the skin.

Quite so, only Dr. O'Donnell has never heard of it, or said he had never seen it in any textbook, but it is quite a well-known expression, is it not?—I think it is an expression which has come into use recently.

Will you agree with Dr. Weatherly that one of the hallucinations, a marked hallucination, is hallucination of hearing?—You may get hallucination of hearing.

And you may get cases of people who have taken cocaine frequently and who, under the influence of a dose of cocaine, may think that they hear things which are not happening at all?—That is possible.

They also think that they see things which are not happening at all?—That may be. We are now, of course, referring to addicts who have taken the drug over a long period of time.

I am referring to an addict who describes symptoms of this moving insect?—Yes, which we find in an individual when it is taken over a long period of time.

Would you agree that one of the principal symptoms is almost insane jealousy at times?—Yes, and a suspicion associated with it.

# Rattenbury and Stoner.

Dr Roche Lynch

An unreasonable jealousy?—Yes.

And delusions of persecution?—It has been recorded.

And, in consequence, the carrying of weapons?—Quite possibly.

Would you agree that cocaine is perhaps the most dangerous of drugs in producing violent criminals?—I do not know that I can answer that question. I do not think I should be inclined to say so.

Would you agree that a person under the influence of cocaine is liable to do things very suddenly if slightly irritated?—Oh, yes, I agree with that.

By Mr. JUSTICE HUMPHREYS—Is that peculiar to cocaine, or does that apply to alcohol?—It applies to other drugs as well.

*Cross-examination continued* by Mr. CASSWELL—In that respect the results of cocaine are very similar, are they not, to the results of alcoholism?—Yes, and other drugs too.

Perhaps I had better put it another way. Would you agree that cocaine is perhaps the most rapidly pernicious of all forms of addiction?—It is a more rapidly acquired habit, possibly, than other drugs.

I was suggesting that it takes effect more rapidly?—You mean after an individual dose?

Yes?—It is very rapid in its action.

And, therefore, because it is an insidious drug, people are inclined to become addicts to it more rapidly than to some other drugs?—They do become addicts very rapidly.

The reason being, is it not, that they have an impression of great well-being while they are under the influence?—It certainly has that effect, but I do not know that you can necessarily associate the two.

And increased vitality—and I suggest they look back and long for that condition again?—Yes, I think that may be so.

Have you known instances of a cocaine addict who has done something apparently quite foolish?—They do foolish things. They are more impulsive when under the influence of the drug.

Does addiction to cocaine lead to facial anæmia?—It leads to anæmia generally, which is poor blood.

Would one notice an increasing paleness in the face?—Yes, and they get a sallow complexion too.

But, of course, the face is what one would naturally see?—Yes.

Do you also notice dilatation of the pupils?—You may do. It is not always present.

Not always?—And perhaps I ought to add, as you have mentioned anæmia, that addicts become emaciated and thin and look miserably ill.

Would that be after a very long course?—Well, it becomes progressive as they go. They get worse and worse.

## Evidence for Prosecution.

Dr Roche Lynch

Can you give us some idea of what period a person would have to be an addict in order to become emaciated?—Oh, months or a year or two.

Re-examined by Mr. CROOM-JOHNSON—Cocaine is, of course, given sometimes medicinally?—Yes.

Can you tell us what the usual dose is according to the British Pharmacopœia?—Yes, one-eighth to one-quarter of a grain.

What is the colour?—It is a colourless, crystalline substance, or, when seen in chemists' shops, a colourless white powder.

Is it sometimes mixed with other substances such as boric acid?—Yes, it is, more especially when it is used by addicts for snuffing up the nose.

Mr. JUSTICE HUMPHREYS—Are you talking about a medicinal dose now?

Mr. CROOM-JOHNSON—No, I am talking about the substance itself as it is generally known.

(To witness) Is it sometimes mixed with other substances for sale?—Yes, that is so.

Substances of the same colour?—Yes.

By Mr. JUSTICE HUMPHREYS—You do not mean when it is bought from a chemist under a doctor's prescription?—No. When addicts get hold of it—generally by improper means—it is very often diluted with boric acid and other substances, white crystalline substances.

*Re-examination continued*—Have you ever known cocaine that was brownish in colour?—No.

Or brownish with dark particles in it?—No.

Does that description accord with your experience of cocaine, or with any of the substances that are used to dilute it?—No.

If anybody had said that he had had a heaped-up eggspoonful of cocaine, could you tell us approximately how many grains of cocaine that would contain?—A heaped-up eggspoonful of cocaine—which is about half a teaspoonful—contains about 36 grains of cocaine.

And would that be a fatal dose?—More than a fatal dose.

And if a spoon of the same size as you have in mind were filled up level to the sides of the spoon, about how many grains would that contain?—About half, 18 grains.

What would a fatal dose be to someone who is not an addict?—It is difficult to fix accurately a fatal dose of cocaine, because it affects people differently. The lowest recorded dose is two-thirds of a grain, and there has been recovery after a very large dose. I should be inclined to say in my opinion ten to fifteen grains would be the average fatal dose.

## Rattenbury and Stoner.

Dr Roche Lynch

But the lowest recorded is two-thirds of a grain?—Yes.

Now, take a person who has taken eighteen grains. That might or might not, as I gather from your evidence, be a fatal dose?—Yes. I think the chances are it would be a fatal dose.

Would a person who had taken such a dose exhibit any symptoms of poisoning?—Become desperately ill, yes.

Within what sort of space of time?—Within a short space of time—within half an hour or less.

And how long would that condition last?—If death takes place, death generally takes place within an hour of the taking of the poison. If they are going to recover, of course, they will be some days before they are completely well again.

Would they be able to go about?—Not for twenty-four hours anyhow.

To drive a motor car within twenty-four hours?—No.

You have been asked a number of questions about the effect of cocaine on people who are drug addicts, cocaine addicts. From your knowledge and experience, are you able to tell us about how long it is before the average person can be said to be a drug addict, supposing he is taking cocaine?—There is no doubt they get a craving for it after quite a small number of doses, but the picture of the cocaine addict with the symptoms that we have been discussing is not acquired for some time.

By Mr. JUSTICE HUMPHREYS—What does "some time" mean?—Well, I am speaking of the ill health following, which would probably be some months—the anæmia and the sallow complexion.

That is not quite what I was thinking about. You spoke about persons acquiring disordered sensations, emaciation, hallucinations of hearing and seeing, and becoming the subjects of unnatural jealousy, suspicion, and so forth?—It is very variable in the individual, and those symptoms are gradually acquired and slowly become worse and worse, and it would probably be some months before they were fully developed.

*Re-examination continued*—Would the question of how much was taken at a time affect the progress of the disease?—Oh, yes, every drug addict has to take more and more of the drug to get the same effects, and consequently, as it goes on, he requires larger and larger doses.

Would a person who is an addict and had been suddenly deprived of his supply of cocaine show any symptom which an ordinary man could detect?—He very often becomes very seriously ill.

Take a person who has become so accustomed to cocaine as to have arrived at the position when he was suffering from hallucinations, jealousy, and matters of that sort, would you describe him as a cocaine addict?—Yes.

## Evidence for Prosecution.

Dr Roche Lynch

And assume that that person has been deprived altogether of cocaine for a period of about two months, would you observe any symptoms?—Oh, he would become by then, in all probability, seriously ill.

I want you to develop it if you can. What sort of symptoms would be observable?—He would collapse generally, both mentally and physically, and would be profoundly depressed.

Would you expect such a person to be normal in behaviour?—No.

Or rational in conversation?—No.

Would you expect him to sleep normally?—No, sleeplessness is a very important symptom in addiction.

Or to take his food normally?—No. They generally have very poor appetites.

By a JUROR—Would a person using this mallet in the way that has been described to us be liable to get blood upon their clothing?—I think if one single blow were struck it is quite likely no blood would be on the clothing of the assailant, but if more than one blow were struck it would be quite likely to get on to the clothing. On the other hand, I have seen cases where blows of this sort had been struck where no blood got on the clothing.

By Mr. JUSTICE HUMPHREYS—Does it depend on whether the blood spurts out or not?—Spurts or splashes. After the first blow is struck blood wells on to the scalp, and when the second blow is struck it splashes that blood as well as spurts it.

A JUROR—I do not know whether the doctor can tell us anything about fingerprints?

The WITNESS—I have no experience at all of fingerprints.

The JUROR—We were told yesterday by Inspector Carter that there were no fingerprints upon the mallet. Now, that mallet has been handled by the jury and other people in Court. Can it be examined now to see if there are anyone's fingerprints upon that mallet?

Mr. JUSTICE HUMPHREYS—I do not think it is any use asking this gentleman because it is not his department at all. Perhaps some fingerprint expert who really does understand these matters will come along and answer the question.

Mr. CROOM-JOHNSON—I have spoken to my learned friend, and what I am saying I am saying with his approval, and I expect with the approval of my learned friend, Mr. Casswell. Of course, both the accused persons in this case helped Mr. Rattenbury to his bedroom when there was any amount of blood about, and it has not occurred to the prosecution accordingly that any deduction can possibly be drawn adversely to any of the accused on the question of blood being on their clothes.

Mr. O'CONNOR—I entirely agree.

# Rattenbury and Stoner.

Dr Roche Lynch

MR. JUSTICE HUMPHREYS—That is very fair. I daresay it answers your question. The probability is you would find blood on both of them, and the prosecution say finding it would lead to no deduction against them at all because in all probability that would come from the handling of the man when he was bleeding.

MR. O'CONNOR—If I might add something to that, there is evidence that there was no blood on the lady's pyjamas. One would expect to find some, but in fact there was none.

MR. JUSTICE HUMPHREYS—Yes, very well. Mr. Foreman, you asked a question about the mallet having been split; if you would like any of the Stevens, whom the mallet belonged to, the grandmother or the uncle, to be asked about that, they shall be brought back, because you are entitled to any information you think will assist you.

THE FOREMAN OF THE JURY—I think it would be just as well in this case.

MR. JUSTICE HUMPHREYS—Very well, those persons shall be brought back—Mrs. Stevens and the young man—I think he was the uncle of the accused.

MR. CROOM-JOHNSON—In view of the cross-examination of Dr. Lynch, and in view of Dr. Lynch's last two or three answers about the state of a person who has been deprived of cocaine over a period of time, I make formal application to your lordship that I should be allowed to call Dr. Grierson to help your lordship and the jury about this matter.

MR. JUSTICE HUMPHREYS—I do not hear any objection raised to that application. I shall certainly grant it.

MR. O'CONNOR—I raise no objection.

MR. CASSWELL—Neither do I.

DR. HUGH ARROWSMITH GRIERSON, examined by Mr. CROOM-JOHNSON—I am a Bachelor of Medicine, a Bachelor of Surgery, and I am senior medical officer at Brixton Prison. Dr. Morton is the senior medical officer at Holloway Prison. I identify the document shown to me as bearing Dr. Morton's signature. Dr. Morton is, to my knowledge, so ill that he is quite unable to attend these proceedings. I know the accused George Percy Stoner. He was transferred to Brixton Prison from Dorchester Prison on 14th May, and he has been under close observation in hospital ever since. I have interviewed him on a number of occasions.

Under your care how has his behaviour been?—He has been normal in behaviour, rational in conversation, and he has taken his food and slept normally.

Has he been continually under your care and observation from the time that he came from Dorchester on 14th May down to the present time?—Yes. As regards his physical condition, I can also add he has gained 8 lbs. in weight since he came to me.



## Evidence for Prosecution.

Dr Hugh A. Grierson

Cross-examined by Mr. CASSWELL—Have you ever had charge of cocaine patients?—I have had charge of one, I think—one that I knew definitely was a cocaine patient.

Is it true that in some cases, although they are under observation, you may not find out what is wrong with them for two or three weeks?—I cannot say. I have not had sufficient experience in cocaine cases to say.

You know Dr. Gillespie, of Guy's, do you?—Yes.

If he were to say that was his experience, would you be prepared to refute it?—I would not challenge it.

And, further, that one essential characteristic of a cocaine addict is that he tries to prevent your finding out?—Well, I do not know. That may be so.

Do you know Dr. Weatherly, the brain specialist, of Bourne-mouth?—I have heard of him, and I know him slightly.

If he says that when he saw Stoner—I think it was ten days after 24th March—he found both pupils dilated and not reacting to light, would you think that that was a sign of cocaine?—I could not say it was definitely a sign of cocaine, because many people have normally dilated pupils.

Have you noticed his pupils now?—Yes.

They show no sign of dilatation, do they?—They were normal when I saw them.

And were normal all the time you saw him?—Yes. I did not take any special notice as to their size, because there was nothing special to notice about them.

He came to you on 14th May?—Yes.

And the day upon which he could have had the last dose would have been 28th March?—Yes, that was the day of his arrest.

Do you really say that you would expect to see distinct symptoms then?—If he was a drug addict, a cocaine addict, I should certainly expect to find some signs and some desire for the drug.

I suggest to you that the desire comes much earlier than that, and fortunately disappears much earlier than the time which elapsed before he came to you?—I do not quite understand what the question is.

I suggest to you that the desire for cocaine becomes more violent a few days after the effect of the previous dose has worn off?—That may be so. I do not know.

Have you any experience of it?—No. I do know addicts, if they are addicts, certainly crave for the drug.

They crave, of course, but I suggest if they are definitely cut off from supplies that craving may very soon cease?—I cannot say.

If that craving had ceased by the time he came to you there would be no reason why he should not put on weight under the healthy diet and prison life?—I quite agree.

Did he tell you that he had been taking cocaine between slices of bread and butter?—Slices of bread, not bread and butter.

## Rattenbury and Stoner.

Dr Hugh A. Grierson

And did he tell you that he took a double dose at about 4.30 on 24th March?—He said he took two eggspoonfuls.

It has been suggested to Dr. Lynch that two eggspoonfuls would be more than a fatal dose. You would agree with that, I suppose?—Certainly.

But it would depend upon to what extent that cocaine was mixed with some other substance?—It certainly would depend on the dilution with some other substance.

Have you had any experience of the sort of cocaine which is obtainable otherwise than from chemists—you know, by addicts?—I have seen what is called “snuff.”

In your experience, is that usually extremely diluted?—It is diluted.

The more it is diluted the more profit there is to be made by the illicit dealers?—That is so.

So that it might be quite possible that somebody might take two eggspoonfuls and still have very much less than a fatal dose?—Yes, it is quite possible, depending on the dilution.

You would expect, would you not, that it would be diluted rather than pure?—Oh, yes, it certainly would not be pure.

With regard to whether or not he was a good sleeper, was that from your personal experience or from what Stoner told you?—That is from definite reports. These men are under constant observation day and night. All night there is a special officer watching these men and noting the exact amount of sleep that each man has, and we have a report every morning on every case in hospital.

And he was eating well and sleeping well?—Yes.

And as a result he has put on how much weight?—He is 8 lbs. heavier than when he came in.

Re-examined by Mr. CROOM-JOHNSON—The accused told you that he had taken two eggspoonfuls about half-past four on the day of the crime?—Yes.

Did he tell you what effect it had upon him?—Yes. He told me it made him excited. In my report I used the word “exalted”; it should have been “excited.” That was the effect on that day. As a matter of fact, I was going to say something about the general effect he told me of cocaine.

Go on?—He also told me the general effect of cocaine on him was to make him curse and swear.

In your experience, are you able to tell us whether that is the usual effect of taking cocaine?—It is certainly not, I might say, the accepted mental state of a person under cocaine; they are usually very happy and contented.

Has he had any cocaine whilst in Brixton Prison?—No.

Either medicinal or otherwise?—No.

## Evidence for Prosecution.

Dr Hugh A. Grierson

Did he tell you anything about the colour of the cocaine that he took?—Yes, he said it was a brownish powder with black specks in it.

Is that the right colour of cocaine?—I have never heard of or seen cocaine like that.

Of that colour?—Never. Cocaine itself is what might be called whitish—colourless.

Mr. CROOM-JOHNSON—In view of the cross-examination of this gentleman, I will call the medical officer of Dorchester Prison to deal with the period between 29th March and 14th May.

Dr. EDWARD WALLER MANN, examined by Mr. CROOM-JOHNSON—I am medical officer of His Majesty's Prison at Dorchester. The accused George Percy Stoner was admitted to that prison on 29th March, and he remained there until he was transferred to Brixton on 14th May. During the whole of the time he was at Dorchester he was under observation. I saw him frequently. During that time I did not notice any sign that he was a person who was a drug addict, or cocaine addict, and had been deprived of his drug. His behaviour was very good while he was at Dorchester. I did not notice anything abnormal in it. He seemed rational in conversation, and he slept well. I have no report as to his having returned any food. As far as I could see, during the time he was at Dorchester Prison he was healthy, and as far as I could make out he was normal.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—My lord, this is entirely new evidence of which I have had no notice.

Mr. JUSTICE HUMPHREYS—Naturally you have had no notice. You can have no complaint about that; it was you who raised this issue.

Mr. CASSWELL—I am not complaining; I am only asking that the cross-examination of this witness may be postponed until I have had an opportunity of consulting with Dr. Weatherly, and Dr. Gillespie, who is not here at present. This is a technical question I do not feel able to deal with without consultation.

Mr. JUSTICE HUMPHREYS—Very well, I grant that application until the adjournment.

ALOE ARTHUR ASSIRELLI, examined by Mr. HAWKE—I am the reception clerk at the Royal Palace Hotel, Kensington. I produce the receipted bill of the hotel, Exhibit 22, dated 22nd March, 1935. The bill is made out to "G. Stone, Esq.," and it is for £3 16s. 3d. for accommodation at the hotel from 19th to 22nd March. I also produce Exhibit 23, which is a page from the Visitors' Register.

# Rattenbury and Stoner.

Alice A. Assirelli

The fourth entry from the top is "Mrs. Rattenbury and brother." I remember Mrs. Rattenbury coming to the hotel. (Witness identified Mrs. Rattenbury in Court, also the accused Stoner as the man who was with Mrs. Rattenbury.) The accused Stoner did not sign the register as well. Mrs. Rattenbury signed it, "Mr. George Stone," or what I took for "Stone," upon my register afterwards. I asked her to register his name. The rooms they took were rooms 530 and 532. They were not adjoining, but they were very near each other. The doors were almost opposite each other on the same landing. They left the hotel on 22nd March.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

EDWARD CHARLES WRIGHT, examined by Mr. HAWKE—I am a salesman employed at Harrod's, Ltd. On 19th March a man and woman came to the shoe department where I am employed, and I sold the man two pairs of shoes and two pairs of shoe-trees. Exhibit 29 is the shoes and the trees. I made out a shopping card for the purpose. Exhibit 26 is the shopping card. It is a card we give to people who are going to get various things in different departments. The first entry is two pairs of shoes. The name on the shopping card is Mrs. Rattenbury, Villa Madeira, 5 Manor Road, Bournemouth.

Cross-examined by Mr. O'CONNOR—I see on Exhibit 26 "Special instructions. Despatch Saturday"—That was for the second pair of shoes which I had not got in stock, and which I had to procure and send with one pair of trees.

And they would be dispatched to the Villa Madeira?—Yes, and the other pair would be delivered in London.

But that pair would not be delivered normally till the Monday?—They were sent by post on the Saturday, and would normally be delivered on the Monday.

Re-examined by Mr. CROOM-JOHNSON—There is one document which ought to have been put to the witness. (Shown Exhibit 30.) Are those the sale notes in respect of the transactions that you had with the customer?—There are actually three.

And is the top one of those signed by the customer?—Yes.

And does it bear the signature, "A. Rattenbury"?—Yes.

DAN DAVIES, examined by Mr. CROOM-JOHNSON—I am a salesman employed by Messrs. Harrod's, Ltd. On 19th March, 1935, a man and a woman came into my department, which is the pyjama department. (Witness identified the accused as the people who came into his department.) The woman asked to see some men's pyjamas, and I showed them some, and the two persons

## Evidence for Prosecution.

Dan Davies

selected three pairs at 60s. a pair. The material they were made of was crêpe de chine. I made out an account for sales debit and the lady signed one debit. That is Exhibit 25. She had the shopping card which has been produced by the last witness, and she handed it to me and I put the necessary entries on it. I also sold them three shirts, three ties, one dozen linen handkerchiefs, and two silk handkerchiefs. All these articles were for men's wear. Exhibit 27 is the articles I sold. I produce a sale debit in respect of these articles, Exhibit 28, totalling £6 2s. 6d. in respect of those articles, and £9 in respect of the pyjamas. Both lots of purchases were debited to the account of Mrs. Rattenbury at the address she gave me—5 Manor Road, Bournemouth.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

ERNEST CHARLES MASSEY, examined by Mr. Hawke—I am an assistant in the men's underwear department at Harrod's. On 19th March a man and woman came into my department, and the woman produced a shopping card, Exhibit 26. I sold them three pairs of socks, two pairs of gloves, and two suits of underwear, and the total amount came to £5 10s. 6d. Those articles were put to the account of Mrs. Rattenbury, 5 Manor Road, Bournemouth. Exhibit 3 is the articles I refer to. I produce the debit notes which relate to those transactions. The lady did not sign in this case. They were for men's wear.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

ALBERT JOHN JARVIS, examined by Mr. CROOM-JOHNSON—I am an assistant at Messrs. Harrod's. My department is the men's ready-to-wear clothing department. On 19th March a man and woman came to my department. (Witness identified the accused as the man and woman in question.) The man asked for a suit. I took him to the fitting room and took the usual measurements. The two of them chose a light grey suit. I recognise the suit the accused is wearing as the suit they chose. They also bought a blue suit and a macintosh. Exhibit 33 is the blue suit. That was picked out by Mrs. Rattenbury from stock. Exhibit 34 is the document dealing with the grey suit. It reads, "One S.B., single-breasted, suit, seven guineas," and it is signed by Mrs. Rattenbury. The accused Stoner said that he would like to wear the suit that day. It had to have some alterations made to it, and I arranged for it to be delivered that day at the Royal Palace Hotel. Exhibit 35 is the document relating to the blue suit, and it is made out to Mrs. Rattenbury, and reads, "One S.B. suit, six guineas; belted mac., £1 17s. 6d." Later I entered those

# Rattenbury and Stoner.

Albert J. Jarvis

articles in the shopping card, Exhibit No. 26. All those articles were debited to Mrs. Rattenbury's account.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

THOMAS HALL, examined by Mr. HAWKE—I am chief inquiry officer at Harrod's. It is part of my duty to examine the books of Harrod's. Mrs. Rattenbury, of 5 Manor Road, Bournemouth, had a deposit account there. I have examined the books and looked into the state of that account. On 19th March it was in credit just over £1—£1 5s. 9½d. On that day a cheque for £20 was paid into the credit of it. On 19th March purchases were made to the amount of £40 14s. 6d. They were all articles of male apparel.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

DANBY CHARLES DOBSON, examined by Mr. CROOM-JOHNSON—I am manager of Messrs. Kirby & Bunn, jewellers, 44 Old Bond Street, London. (Shown Exhibit 19.) That is an account of my firm dated 19th March, 1935, described as a memorandum of purchase. It is addressed to, "Mr. G. Rattenbury, 532 Royal Palace Hotel, and 104 Redhill Drive, Bournemouth." It records the purchase of a single-stone diamond ring with diamond shoulders, £15 10s., size "N," with compliments. It was the male accused who purchased the ring. He paid for it. I did not make out the actual receipt, but I handed it to him. It is attached to the document produced. It reads, "Received from G. Rattenbury, Esq., the sum of £15 10s., 19/3/35." He paid it in notes, £5 notes and notes of smaller denominations. I paid one of the £5 notes he paid me into my employers' banking account at the National Provincial Bank in New Bond Street. At the time of payment I asked the accused Stoner for his name and address, and it was he who gave me the name "G. Rattenbury" which appears on this document. I asked whether he had a permanent address, and it was then he gave me the second address, 104 Redhill Drive, Bournemouth. He left the ring to be altered in size, and we altered it and sent it that night to Mr. G. Rattenbury at the Royal Palace Hotel, Kensington.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

JAMES NORMAN WESCOTT, examined by Mr. HAWKE—I am an official of the National Provincial Bank, No. 1 New Bond Street. I produce Exhibit 20, the certificate of Register of Companies

## Evidence for Prosecution.

James N. Wescott

relating to that bank. I also produce Exhibit 21, which is an extract from the banknote register. I have compared that with the books of the bank, and it is correct. It gives the number of a banknote received by the bank on 21st March, 1935, as No. 01490. That was a note received from Messrs. Kirby & Bunn, jewellers.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

Mr. JUSTICE HUMPHREYS (to the Clerk of Court)—Have you got the original statements made by the accused?

Mr. CROOM-JOHNSON—Before they are read, I apply for permission to hand out to the fingerprint expert the mallet so that he may make his tests upon it.

Mr. JUSTICE HUMPHREYS (to the Clerk of Court)—You had better just read the statements.

The CLERK OF COURT—In answer to the usual caution the accused Alma Rattenbury said, "I am not guilty, and I wish to reserve my right to cross-examine and reserve my defence." And the accused Stoner said, "I plead not guilty and reserve my defence."

Mr. CROOM-JOHNSON—Then, my lord, subject to the recalling of the witness, my friend, Mr. Casswell, may want to cross-examine later on, and this question of the fingerprint expert, that is the case for the prosecution.

## Evidence for the Accused Rattenbury.

Mrs. ALMA VICTORIA RATTENBURY (prisoner on oath), examined by Mr. O'CONNOR—Mrs. Rattenbury, will you try and help us all by speaking up and speaking slowly so that we can all hear? Were you married to the late Mr. Rattenbury seven or eight years ago?—Yes.

I think you had been married twice before?—Yes.

Your first husband was killed in the War?—Yes.

You had no children by that marriage?—No.

You divorced your second husband?—Yes.

And by him you had a boy, Christopher?—Yes.

How old is he now?—Thirteen.

He is away at school, I think?—Yes.

Just to clear up one matter right away, did he suffer from glands some years ago?—Yes.

Was certain treatment prescribed for those glands?—Yes, arsenic injections.

Used you to administer those injections?—Yes, I went to the school to administer them.

## Rattenbury and Stoner.

Mrs Alma V. Rattenbury

They were administered at school?—Yes.

With what instrument?—With a hypodermic syringe needle.

Is that the hypodermic syringe produced here?—Yes.

Have you ever used that syringe upon yourself?—Never.

So far as you know, has it ever been used for any other purpose than for Christopher?—Absolutely none.

Now, a drawing has been produced in Court. By whom is that drawing?—By my son.

Made how many years ago?—I am not really certain when that was done, because he has been drawing for years.

Now, there is also a child of your marriage to Mr. Rattenbury?—Yes.

A little boy; I think he is six in June?—Yes.

Since the birth of that child, did you and Mr. Rattenbury live together as man and wife?—No.

Did you occupy separate rooms?—Yes.

On what terms were you with your husband?—Quite friendly.

No marital intimacy, but were you cordial?—Absolutely.

Was your married life happy?—Like that. (Witness made a gesture with her hands.)

We were told about a quarrel. Were quarrels between you and he frequent or not?—Not very frequent.

Were they severe when they occurred, or were they just trifling quarrels?—It all depended on whether Mr. Rattenbury got in a temper or not. He did sometimes.

One occasion has been spoken about when you received a black eye?—Yes.

I think that was in July of 1934?—Yes.

What was the occasion of that quarrel?—He was queer, morbid, and there was the usual talk of committing suicide, so I asked him, seeing he was always frightening me that he was going to commit suicide, why did he not do it for a change.

Then how did the blow to your eye occur?—He lost his temper and hit me.

Was that the occasion on which you called in Dr. O'Donnell?—Yes.

And told him what he told us you told him; and on that evening did he give you an injection of morphia?—I cannot remember.

You do not remember anything about that?—No.

What were the relations between you and your husband as regards money? Was he free with money?—Very close—well, not very generous.

Used you to have to say things of which you are ashamed in order to get money from him?—All my married life, yes.

Tell him lies?—Yes; it saved rows.

Was Stoner engaged as a houseboy or as a chauffeur?—As a chauffeur mostly.





*[Keystone*

**Alma Victoria Rattenbury**

# Evidence for 'the Accused Rattenbury.

Mrs Alma V. Rattenbury

That was in September, 1934?—Yes.

What were his wages?—£1 a week, paid on every Monday.

Did you become Stoner's mistress?—In November.

Was that before or after he had come to live in?—Before.

We know after that that he did come to live in the house?—Yes.

Just taking it quite generally, from that time until your husband's death did relations take place between you and Stoner regularly?—Yes.

In his room, or in yours, or in both?—Yes.

One or the other. What attitude did your husband take towards this, if he knew it?—None whatsoever.

Did he know of it?—He must have known because he told me to live my own life quite a few years ago.

As I understand it, there was no occasion on which you told him about Stoner, but your husband knew about it?—No; I told him I had taken him at his word and was living my own life.

Oh, you told him that, did you? Can you tell me when that was?—No. I would say it was somewhere round about Christmas that I told him.

We have heard evidence given by Riggs of quarrels between you and Stoner. Was your husband in the house when these quarrels went on?—Yes.

And I think she has told us that they occurred partly in your room and partly in Stoner's. Where would your husband be at that time?—In the drawing-room; he always sat there.

That is immediately below your room?—Yes.

Used Stoner to change cheques for you at the bank?—Yes, always.

How did you pay him his wages as a rule?—I paid him every Monday £1 a week. Sometimes I would want small cash for myself, and then I would make a cheque out for £3 or £5 and give him £1 out of it and he would give me the change back.

You had, of course, an account of your own and a cheque book of your own?—Yes.

Which we know was overdrawn?—It was always overdrawn for years.

Where was that cheque book kept?—In my drawer. No one ever saw that cheque book but myself; it was quite private.

During the whole of your married life, did your husband ever ask to see the stubs, the counterfoils?—No.

Did he ever ask to see your passbook?—No, never.

It has been pointed out by my learned friend that on the stubs of some of the cheques drawn in Stoner's favour there appears the word "self." What was the object of the entry "self"?—Sentimental reasons only.

Any attempt to conceal?—Absolutely not.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

By Mr. JUSTICE HUMPHREYS—Had you any money of your own?—With writing, yes; I wrote songs.

I do not find any payment into your banking account?—Well, because when I received cheques I used to cash them here and there and spend the ready cash on the house.

Your banking account was fed by cheques from your husband?—Yes, that was for the household account.

*Examination continued* by Mr. O'CONNOR—I think you were a song writer under the name of Lozanne?—Yes.

And you had some success in broadcasting?—Yes.

I will deal with the week in London in a moment, but, speaking generally, up to that date what presents had you ever given to Stoner?—Nothing. The watch I did not really give him. It was my father's watch. I told him to carry it for sentiment, you see.

Did you give him anything at Christmas?—I think I gave him £10—I am not quite certain—but he was to get the children's Christmas presents out of that also.

Make some purchases and keep the rest for himself?—Yes, exactly.

Have you ever given him any money for the purpose of buying drugs?—Absolutely no.

Was there an occasion in the early part of the year when there was a quarrel between you?—Stoner and myself?

Yes?—Yes.

An occasion when Riggs came into the room?—I cannot quite remember that, but I daresay that is so.

What can you remember of the quarrel?—Well, I wanted to sever the connexions on account of the difference in age, if you understand, and Stoner said—well, he did not want to, and really that was all the quarrels were about.

What did he do on that occasion?—Nothing very much. He lost his temper, but it was not very—

Was not very serious?—No.

But Riggs came in?—As I say, I cannot quite remember that.

Had Stoner ever threatened your life?—Well, yes, but I did not take it seriously.

Did he tell you anything about drugs?—Yes. He told me that there was something the matter with his head and that he had to take medicine twice or three times a year and that was making his head much more normal again. I could not quite understand it.

Did you speak to Dr. O'Donnell about it?—Yes.

And he spoke, he told us, to Stoner?—Yes.

Did Stoner say anything to you about his conversation with Dr. O'Donnell?—No, not that I can remember.

By Mr. JUSTICE HUMPHREYS—Do I understand the only time

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Stoner spoke to you about taking medicine was on this occasion when he said that two or three times a year he had to take medicine for his head?—No, he afterwards changed it and said that he was taking drugs, and it was then that I got Dr. O'Donnell.

*Examination continued by Mr. O'CONNOR*—There was a time when he told you he was taking drugs?—Yes.

Did he mention what drug it was?—No.

He did not mention what it was, and that was the time you spoke to Dr. O'Donnell?—Yes.

Have you ever taken drugs in your life?—Absolutely no.

At any time, or description?—No.

We know you were not in the best of health and were under Dr. O'Donnell's treatment for a number of years?—Yes.

Now, just about this occasion when you went to London. I think, as your banking account shows, you were overdrawn about ten days before your husband died, and he gave you £250 which went into your banking account to make it solvent?—Yes.

How did you get that money from him?—I got that like I always have. I always got extra money from Mr. Rattenbury about twice a year when I was overdrawn, and I always had to, what I call, make up a different story each time to get it. I asked for, I think, more money that time than I had before, but I always got about £100 or £150 twice a year extra, at Christmas and in June, say.

What was the pretext on which you got more than you usually got?—Having been ill I still used that as an excuse.

You had been ill; you had several operations?—Yes; they were so recent that it gave me that for an excuse.

Gave you that excuse to tell a lie?—

By Mr. JUSTICE HUMPHREYS—What was the lie you told him?—I said I was going to London to have an operation.

*Examination continued by Mr. O'CONNOR*—You told us you had had operations, including one quite recently?—Yes.

How recently was the one prior to your going to London?—I am so sorry, but I could not tell you that. I think about two months, but I am not quite certain.

Now, did you, having got the £250, have a cheque for £50 cashed on your own account?—Yes.

By Stoner?—Yes.

What happened to that money?—Stoner used some of it to get me that ring, and he did not—

Did he hand you the notes or did he keep them?—No, they were spent on shopping, going to cinemas and, you know, like that.

He retained the notes in his possession?—No, I think I had £25.

I only want to know where the notes went to when they came from the bank?—I think I took them and handed him £15 or £20.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

By Mr. JUSTICE HUMPHREYS—Was the ring a woman's ring for yourself?—Yes.

*Examination continued* by Mr. O'CONNOR—Did you go off with Stoner to London?—Yes.

I think you started by car and left the car at Southampton?—Yes.

Then you went up and stayed at the Royal Palace in rooms quite close to one another, you under his name and he under his?—Yes.

Describing yourselves as brother and sister?—Yes.

Were you during that week-end living as man and wife in fact?—Yes.

Now, evidence has been given of clothes that were bought at Harrod's, and various things that were in fact ordered by you for him. As regards the ring, you have told his lordship that was for yourself?—Yes.

He ordered it, and, if my recollection serves me, it was sent to G. Rattenbury, to the Royal Palace Hotel?—Yes.

Did you receive the ring?—Yes.

What happened to it?—I wore it.

Did you get back to Manor Road on Friday night, the 22nd?—Yes.

About half-past ten?—About that.

With Stoner?—Yes.

Was your husband in?—Yes, in bed.

Did you see him in his bedroom?—Yes, I said goodnight to him.

Did he ask anything about what had been happening?—No, he always was jolly late at night.

When you say he was "jolly," I think he used to drink a little whisky at night?—Yes, always.

About how much?—Well, he drank quite a lot then.

And I think from time to time you have yourself given way to drink?—Yes.

Now, what did you do on the Saturday morning?—I went to the school to pick little John up.

You brought him back. Was he to come home for the week-end?—Yes, until Monday morning.

And he returned to school on the Monday morning?—Yes.

Who would generally take him back to school?—Stoner. Sometimes I would go also.

On the Saturday afternoon did you take John over to see Christopher playing football?—Yes.

Did Stoner drive you?—Yes.

And your husband stayed behind?—Yes.

That evening, Saturday evening, you brought John back, I suppose?—Yes.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

On what terms were you with your husband that evening?—Quite all right.

What did you do?—I think we played cards. I think it was just the same as any other night.

Now, the Sunday. Was your husband involved in some financial worry?—Yes, he was rather depressed about his flats.

When you say about flats—he was an architect and interested in the erection of buildings, was he not?—Yes.

And his financial affairs had not been going too well?—No.

Is that what he was depressed about?—I think so.

Did you say anything to try and cheer him up?—Yes, I was very, very nice to him to try and make the “blues” go. He had the “blues.”

That was on Sunday morning. Did you take him anywhere on Sunday morning?—I took him out for a drive and to the kennels to see my little dog’s puppies.

I think your bitch had just had a litter of puppies and you took him over to see them?—Yes.

And you took him for a drive too?—Yes.

Did that clear up his “blues” at all?—No, he was very depressed on Sunday.

Did you lunch together?—Yes.

After lunch what did you do?—After lunch Mr. Rattenbury went to sleep, and I played with John—you know, the usual Sunday afternoon.

And did you have tea with your husband?—Yes, upstairs in my bedroom.

We know that your bedroom had got a balcony. Who brought tea to you?—Stoner.

That was the usual practice, I think, was it not?—Yes.

Of course, Riggs, we know, was out?—Yes.

He brought you tea. Now, can you tell me this: after Stoner had brought you your tea what happened to the door?—The door was always open with a basket in between, but sometimes the basket would be moved. John might move it going back and forward, and it closed.

On this particular afternoon was the door closed?—For a little while.

The normal thing was that the door to your room should not have been closed?—Exactly.

But on this occasion it was closed for a little time?—Yes.

About what time would tea end?—I think about 5.30 or a quarter to six.

Was it a substantial tea?—No, sandwiches and cake.

Was there any other evening meal on Sunday night as a rule?—Yes, we always had a lot—a high tea later on.

So this was just an ordinary afternoon tea?—Yes.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

After tea where did you go from your bedroom?—I cannot remember.

What did you do? You did not stay in your bedroom for the rest of the evening?—No, I was downstairs in the drawing-room afterwards.

Was the little boy there or not?—No; he was in and out, you know, like that.

We have maintained a discreet silence about the name, so we will not mention the name, but was Mr. Rattenbury reading a book?—Yes.

Your husband was reading a book, and in the drawing-room did he have a conversation with you about the book?—Yes.

What did he say to you?—He brought a book upstairs when we had tea, and whilst we were having tea he read me a page from that book.

By Mr. JUSTICE HUMPHREYS—What time are you talking about?—This would be about a quarter to five, I think.

*Examination continued by Mr. O'CONNOR*—Was that before tea or after tea?—He read that during tea; you see, we usually had tea at 4.30, so I am putting it, roughly speaking.

You are putting it between 4.30 and five o'clock?—Yes.

Very well. Now, what was he talking about with reference to the subject that he had been reading? What was he saying about himself?—He was quite depressed, and when he read that in the book he said he admired a person who could——

By Mr. JUSTICE HUMPHREYS—You said he admired a person in the book who could do—what? What had the person done?—The person in the book said he had lived too long and before he became doddering, as far as I could understand, he finished himself.

Committed suicide?—Committed suicide, yes.

*Examination continued by Mr. O'CONNOR*—He said he admired a person who could do that?—Yes.

So he obviously at that time was very depressed and gloomy?—Exactly.

Now, what did you do in order to try and cheer him up?—Well, I suggested several things, but nothing seemed to cheer him up.

I want you to follow my question: What did you suggest in order to cheer him up? Did you suggest you should do anything or go anywhere?—Oh yes; I suggested that we would first of all go to London, and he said no. Then I suggested Bridport.

You suggested going to Bridport?—Yes, and he said "All right" to that.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Why did you suggest Bridport?—Because there was a business friend of Mr. Rattenbury's there.

Is that Mr. Jenks?—Yes.

Was Mr. Jenks associated with him in any way about these flats that he was worrying about?—Yes.

And he might have been in a position to help him with regard to finance?—Yes.

Now, was anything decided as regards going to Bridport?—Yes, and I telephoned to Mr. Jenks and made arrangements to go.

Inspector Carter, I think it is, understands that that was some time between half-past six and seven. Is that what you recollect was the time?—Yes. I could not say the exact time.

At any rate, it was after tea?—After tea.

And some time after six o'clock?—Yes.

Between half-past six and seven is the time that has been suggested. Where is the telephone?—In Mr. Rattenbury's bedroom.

That, of course, is next door to the drawing-room?—Yes.

And any conversation on the telephone, or a conversation which took place in the bedroom, could be heard in the drawing-room?—If the door was open.

Now, what happened while you were telephoning?—Stoner came into the room.

Had he got anything in his hand?—He had a revolver, I think. I heard yesterday it was a toy pistol. I thought it was a revolver.

He had what you thought was a revolver. You do not know what he had, but he had something in his hand you thought was a revolver?—Yes.

By Mr. JUSTICE HUMPHREYS—Where was Mr. Rattenbury at this time?—In the drawing-room.

*Examination continued* by Mr. O'CONNOR—In the drawing-room, the next room?—The next room.

What state of mind was Stoner in? Was he calm, or angry, or what?—Very angry.

What did he say he would do to you?—He said he would kill me if I went to Bridport.

Could you go on talking there without being overheard by your husband?—Yes, practically. One could have, because Mr. Rattenbury did not really take very much notice.

Where did you go to continue the conversation?—In the dining-room.

And had Stoner got the revolver when you went to the dining-room?—Yes.

What did he say to you about your relations with your husband?—He accused me of living with Mr. Rattenbury that afternoon with the bedroom door closed.



# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

What did you say to him about that?—I assured him that I had not, and he must put that revolver away and not make an ass of himself.

Of course, the little boy was upstairs in the bedroom then?—Oh, yes.

What did he say as regards the future? What did he say as regards how you were to behave in the future?—

MR. JUSTICE HUMPHREYS—It is much better she should tell her story. You see you are putting it into her mouth; it is really much better she should tell it.

*Examination continued by Mr. O'CONNOR*—What did he then say?—Stoner?

Yes?—He told me I must never have that bedroom door closed again, and that if I went to Bridport he would not drive. He was very annoyed at my going to Bridport. We had quite an unpleasant time about it, but afterwards I thought it was all right.

He said he would not drive to Bridport, and you were not to go there. Did he give any reason why you were not to go?—He did not want me to go with Mr. Rattenbury.

Did he say why he did not want you to go with Mr. Rattenbury to Bridport?—He was very jealous of Mr. Rattenbury—unnecessarily so.

What did he say? That is what I want to know?—He thought I would have to share the same bedroom there.

When he said that, did you say anything to him about what the arrangements were to be?—I assured him that I would have a separate bedroom.

What effect did that seem to have on him?—I thought that it was all right, but I suppose he could not have taken it seriously; he did not believe me.

By MR. JUSTICE HUMPHREYS—He seemed to believe you?—He seemed to believe me, yes.

And to be all right?—Yes.

*Examination continued by Mr. O'CONNOR*—When the conversation that you have just spoken of with Stoner was over, where did you go?—Back to the drawing-room.

Was your husband still there?—Yes.

What did you tell him?—Oh, I talked about how nice it was we were going to Bridport the next day, and I still tried to make him jolly, you know, and drive away the "blues."

Who used to pack for your husband when you went away?—I usually got his clothes out, and then Irene or Stoner packed.

What was your practice? When used you to get his clothes

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

out if you were going away the following day?—I get them all out ready for him then.

You did that same evening?—Yes.

Riggs has told us that in his bedroom she saw a suit of clothes put out?—Yes.

Hanging up outside the wardrobe?—Yes.

Was that the usual practice?—Yes.

Who put them out that particular night?—I did.

As regards your own things, did you do anything about your own clothes?—I started to get ready after I went upstairs at night time.

After you had put out his things, when did little John go to bed?—It would be about a quarter-past seven when he had his bath that night.

So that he would get to bed somewhere about half-past seven to quarter to eight?—Yes, exactly.

Do you recollect seeing Stoner at all after this conversation in the dining-room?—I cannot remember seeing him after that at all.

Now, having put the little boy to bed, what did you do?—Played cards with Mr. Rattenbury and talked to him. He was quite jolly then.

You played cards with him then in the drawing-room, I suppose?—Yes.

Was the little dog Dinah in the house?—Yes, always.

Who used to let Dinah out at night?—Before I went to bed I used to let Dinah out.

I do not want to take it too quickly. What was the general rule? Who usually let Dinah out?—I usually let Dinah out.

Where was she usually let out?—Out of the drawing-room french window, and I closed her outside, and it was Mr. Rattenbury's habit five minutes later to let her in, because if you did not close the door she would not stay out.

The little dog used to come probably and scratch to get let in?—Yes.

This night did you let Dinah out through the french window in the drawing-room?—Yes, the same as usual.

Can you tell me whether you closed it or not?—I would automatically close the door, and then I would say goodnight to Mr. Rattenbury and go upstairs. He would go and let Dinah in five minutes later, and then she would come upstairs.

By Mr. JUSTICE HUMPHREYS—I do not know what the answer is to your question. You asked her whether she closed the window?—Yes.

*Examination continued by Mr. O'CONNOR—Do you remember*

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

closing the window that night?—I would have to, because she would not stay out unless I did close the door.

Can you give me any idea of the time you let Dinah out?—I went to bed exactly at 9.30.

After letting Dinah out, what did you say or do to your husband?—I did not see him any more. I went to bed.

But before you got out of the drawing-room, did you say anything to him but goodnight?—I just said goodnight, "Good-night, darling"—kissed him goodnight.

You then went upstairs. Did you go direct to your bedroom or go anywhere else?—No, I would go to the bathroom and lavatory upstairs first.

Can you remember how long you were there?—No, not very long.

Not very long. I mean, you did not have a bath?—No.

When did you next see the dog?—Well, when I went to my bedroom Dinah was there; just five minutes—

So during the short period that had elapsed between your going into the bathroom and coming out the dog had finished her duty and had come back into the room?—Exactly.

Now, we have been told that you were in pyjamas from four o'clock that day, and the suit has been produced in Court. Were you?—Yes, but dressed underneath.

Anything on your feet?—Oh, yes, shoes and stockings—dressed.

When you came out of the lavatory, what did you do then when you got into your bedroom?—I undressed and put the same suit on again.

Took off everything underneath and refitted for bed?—Exactly.

You were going away the next day. Did you have any preparations to make?—Yes, quite a few.

And did you then get into bed?—Yes.

Did you shut the door?—Yes, I invariably shut the door.

Were you expecting anybody to call?—Stoner.

Did you go to sleep or what did you do?—No; as I would think of something else to put into my suitcase I would get out of bed again.

Getting in and out of bed?—Yes.

Had you a book or anything with you?—A magazine.

Did you hear Riggs come in?—No.

What was the time she did come in?—She had a regular time, round about ten o'clock, did not she?—Ten o'clock.

Did you go along to see her?—Yes.

Used you often to do that?—Very, very often.

She was a very close personal friend of yours?—Yes.

She has told us you remained with her for about ten minutes or more talking about to-morrow?—Exactly, to explain to her what I was doing the next day.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Then what did you do when you left Riggs?—Went back to bed.

Now, did anybody come in?—Stoner came in afterwards.

About how long after you had got back to bed?—That I am not certain about, because I did not look at the clock.

I mean, was it long; was it minutes, or what?—Well, I did think it was shortly afterwards, but after hearing the evidence here I have become rather confused in time; it seems later than I thought it was.

Had you seen Stoner till he came in?—Not all the evening.

Since the time you had seen him in the dining-room?—No, not all evening. Not that I remember.

What happened when Stoner came in; what did he look like?—I did not notice anything at the moment, but a little later I noticed he was a little bit queer.

What did he do? Did he get into bed or not?—Yes.

He did. How was he dressed?—In his pyjamas.

How long had he been in bed before you noticed what you were just going to describe?—Almost right away.

What was it?—Tell your own story, Mrs. Rattenbury. I do not want to lead you at all on this?—Well, he seemed agitated, and I said, "What is the matter, darling?" and he said he was in trouble, and could not tell me what it was, and I said, "Oh, you must tell me," and we went back and forth like that for two or three minutes, and he said, no, that I could not bear it. I thought he was in some trouble outside, you know—his mother or like that—and then I said I was strong enough to bear anything, and he told me he had hurt——

What did he say? Put it in direct language, if you can. What did he say to you?—He told me that I was not going to Bridport the next day as he had hurt Ratz. It did not penetrate my head what he did say to me at all until I heard Ratz groan, and then my brain became alive and I jumped out of bed.

Yes?—And went downstairs.

Did you stop to put any clothes on or slippers?—Oh, no.

Did Stoner say anything about how he had done it?—He said he had hit him over the head with a mallet.

Anything more about the mallet?—That he had hidden it outside.

I think you told us that you rushed down to the drawing-room. What did you find when you got there?—Mr. Rattenbury sitting in the chair, and he——

I do not think you need trouble to describe exactly what you saw, but he was sitting in the chair?—I tried to rub his hands; they were cold. I tried to take his pulse, and I shook him to try and make him speak.

Did you call for any help?—Not right away. I tried to speak

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

to him, and then I saw this blood, and I went round the table, and I trod on his false teeth, and that made me hysterical, and I yelled—I cannot remember, only vaguely. I took a drink of whisky to stop myself being sick.

You yelled for whom?—Irene.

Did she come down?—Yes.

Was that the only drink of whisky you had?—No, I took one drink of whisky neat, and I was sick, and then I remember pouring out another one. I cannot remember drinking the next one; I tried to become insensible, to block out the picture.

Do you remember the police officers coming?—Absolutely not.

Do you remember sending for Dr. O'Donnell?—I cannot remember anything from putting a white towel round Mr. Rattenbury's head and the vomiting, and treading on those——

By Mr. JUSTICE HUMPHREYS—Do you say you were sick after drinking the whisky?—Yes.

*Examination continued by Mr. O'CONNOR*—Can you remember anything more about the events of that night?—No.

Do you remember the gramophone?—No.

Do you remember the police?—Absolutely not.

Mrs. Rattenbury, did you yourself murder your husband?—Oh, no.

Did you take any part whatsoever in planning it?—No.

Did you know a thing about it till Stoner spoke to you in your bed?—I would have prevented it if I had known half—a quarter of a minute before, naturally.

Mr. CROOM-JOHNSON—My lord, I was going to suggest this would be a convenient moment to adjourn. Superintendent Baddeley, of the Fingerprint Department of Scotland Yard, has made his experiments, and it will not take more than a moment or two, and if your lordship approves we might take it now.

Mr. JUSTICE HUMPHREYS—Certainly. Let the witness go back.

(The accused Rattenbury returned to the dock.)

HARRY BADDELEY, examined by Mr. CROOM-JOHNSON—I am a superintendent of the Criminal Record Department at New Scotland Yard, in charge of the fingerprint branch. Amongst other things I have had upwards of twenty-seven years' experience in examinations for the detection of fingerprints. I have examined within the last hour Exhibit 7, the mallet in this case. I was not able to detect any fingerprints on the surface of that mallet anywhere. That includes handle.

Why?—I might add that it is not a suitable medium for retain-

# Evidence for the Accused Rattenbury.

Harry Baddeley

ing finger impressions; the surface is not entirely smooth, it is grained. As a matter of fact, I attempted to impress my own fingers on the surface of the handle gently, and I failed to develop anything at all.

Is there a difficulty, in your experience, in detecting fingerprints on wooden surfaces as compared with others?—Yes, the surface must be entirely smooth. That is not so in this case.

Mr. O'CONNOR—I have no questions.

Mr. CASSWELL—I have no questions.

By a JUROR—From what I have seen on the films, I understand there is a method of reviving old fingerprints. Is that so?—There are many.

And they do not apply to this case?—Yes, they have been tested, and carefully tested—the whole of the surface.

Mrs. ALMA VICTORIA RATTENBURY (accused), recalled, cross-examined by Mr. CASSWELL—Mrs. Rattenbury, I want you to understand from the start that I am not suggesting that you had anything whatever to do with what happened on 24th March, or that you ever incited Stoner, or knew that he was going to do it. What I want to ask you a little about is the time when he first came to stay at the Villa Madeira. Have you ever had a manservant before?—Yes, several.

Had you had a chauffeur before?—No.

Had you had a chauffeur and a manservant in the same position as Stoner?—No—always a chef.

Of course, in the first place, you engaged him to come in by the day, did you not?—Yes, to take little John to school; he was a day boy starting in the pre-prep, and it took too long to go in on a tram.

So he had to be there early enough to take John to school?—A quarter to eight.

Well then, you went to the Randolph Hotel at Oxford?—Yes.

At that time did you tell your husband that you were going to Leeds?—I thought of going; we could not get any farther. I tried to go there.

And was it there that you first had connexion with Stoner?—No.

Was it before that or after?—No, after. 22nd November.

22nd November was the first day, was it?—Yes.

How long after that visit to Oxford?—I do not know.

Was it you who suggested it, Mrs. Rattenbury?—What—going to Oxford?

No, living with Stoner?—No, I think it was mutual.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

Mutual? Because, you see, he was in the position of a servant, was he not?—Yes.

And quite a young man?—Yes.

Did you think that it might have a very deleterious effect on him?—No, I never would have started it if I had.

You did not think then?—No.

But you made things easy by having him in the house, did you not?—Sleeping in?

Yes?—Yes; he used to stay occasionally before then.

Before he slept in he used to stay occasionally, did he?—Yes.

By Mr. JUSTICE HUMPHREYS—If you want to sit down, you can do so?—I think I would sooner stand.

You can do so if you please. You will probably be there some time, and if at any time you want to sit down there is a chair available?—Thank you so much.

*Cross-examination continued* by Mr. CASSWELL—I suppose you told him that you and your husband had not been living as husband and wife?—It was obvious to anyone living there; they would know it.

He would know it?—Naturally.

Did you tell him you were looking for sympathy?—No, most decidedly not.

You were looking for that, were you not, from someone?—No, I certainly was not.

It was just an infatuation, was it not?—I think it was more than that.

You fell in love with him?—Absolutely.

Now tell me, when did you first come to the conclusion that he was taking drugs?—

Mr. CROOM-JOHNSON—She has not said he was.

The WITNESS—He told me about his head, I think, some time the beginning of November, but not as if he were taking drugs.

*Cross-examination continued* by Mr. CASSWELL—He said what to you? He said he had a bad head, or he had to take medicine for his head, or what?—Yes, there was something queer about his brain, and he would outgrow it if he took this medicine. On thinking it over I became rather alarmed; I thought if he were taking something to cure his head he might have to keep on taking it, so I kept on trying to make him talk to tell me what he was taking.

Now, did you ever see what he was taking for his head?—No, he never would let me, and I could not force his confidence; he would not tell me.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

What you thought then was that there was a danger of his becoming addicted to it?—Yes.

Whatever it was?—Yes, but he assured me that he was taking it less, and it was only two or three times a year, and that at the end of a few years he would not have to take it at all. I could not have had him around with the children if he had been like that.

I understood you to say in evidence he said he was taking drugs?—Yes, later than that.

Did you believe him then when he said he was taking less and less? Did you take no further notice of it in November?—Well, I watched him, and he seemed quite normal.

How did you expect to find him abnormal? In what way?—Well, it is difficult to explain. His temperament—he seemed to be so absurdly jealous at times, and that made me worried.

He did not seem quite normal, you mean?—No.

Now, what I want to know is: did he get worse while he was with you?—No.

Did he seem to change from when he first came?—No, I thought he was much better.

Do you mean to say when he first came as a servant he seemed to be jealous?—No; I did not know him so well then.

And then you gave him various things, did you not?—Naturally.

Cigarette lighters, holders, and things like that?—Oh, ones that I had in the house—I was going to say dozens of them. That is nothing for me; if anyone sees a cigarette holder and they like it I always say "Take that." It is my disposition.

Did you buy some from Mrs. Price?—We always dealt there.

You bought some from her for Stoner, did you not?—At Christmas, I think.

Mrs. Price was the owner of the Villa Madeira?—Yes, that is right.

Now, you told us that you never took drugs yourself at all?—No, absolutely not.

You are quite sure of that?—Positive.

From time to time we have heard that you used to get very excited at times and then get drowsy afterwards?—Well, all my life with Mr. Rattenbury was so what we call monotonous that at times I used to take too many cocktails to liven up one's spirits—take them to excess, say, or wine.

And you say that was the result of cocktails?—Anything like that; wines or cocktails—not spirits, not like that night, hard liquor.

Did Stoner take them also?—No; he was very much upset. He did not like me taking them; in fact, I stopped taking them after he came.



# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

Apparently somewhere in February, January or February, you went to see Dr. O'Donnell about Stoner, and at that time you had become quite frightened, had you not?—

Mr. O'CONNOR—12th February.

*Cross-examination continued by Mr. CASSWELL*—I thank you. 12th February?—Very alarmed.

He had become violent, as I understand, had he not?—Yes, I was frightfully upset about it.

And you came to the conclusion that he was violent because he had been taking drugs?—Yes. I would not say violent exactly—more agitated.

Agitated?—Yes. He said he had to go to London that morning early to get this drug, and I begged him not to go, but he had to go, and when he went I was so upset—it was dreadful—I telephoned Dr. O'Donnell to explain everything to him, and said could he help this boy, I could not stop him going to London, and I explained it all to Dr. O'Donnell to see if he would help him.

Now, have you any doubt that that boy at that time had such a craving that he went to London and nothing you said would stop him?—To be perfectly candid, I was not certain then, and I am not certain now. I cannot answer that and say yes or no. I do not know.

All you know is he was determined to go to London?—Exactly.

And he told you he was going there to get the drug?—Yes.

Now, Dr. O'Donnell has told us what you asked him was to find out what drug?—Yes, exactly.

Why did you want to find out what drug?—Well, I naturally would want to find out, would I not?

I do not know, you see, whether one drug would be more dreadful than another?—Well, no, six of one and half a dozen of another, but if you are fond of someone and you know there is something wrong you naturally want to find out what it is so that you can help him.

You heard from Dr. O'Donnell, did you not?—Yes.

And he told you the drug was cocaine?—Yes.

Did you do anything more about it?—No, because Stoner was better from then onwards, and he said he could not get the drug, and I did not want to agitate him in case he was longing for it, and we went on just smoothly, and I never brought the subject up again. He said he had stopped it from then onwards, and, well, everything was all right. I thought he had.

I do not quite understand. You mean to say from that time onwards there were no more threats from him?—Not with the drugs.

What with then?—No, I am afraid that is a misunderstanding. I do not think I used the word "threat."

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

I thought Miss Riggs said—I may have been wrong—that you complained to her on several occasions that Stoner had been threatening you?—No, I am afraid that is rather an exaggeration, to say threatening.

Not on several occasions?—No, he was never like that.

More than once?—Yes, but just like I said before, I wanted to break the connexion, say, on account of the difference in age, and that would agitate him; that is all—not threatening exactly.

Just what you took to be ordinary temper, was it?—Yes, upset.

By Mr. JUSTICE HUMPHREYS—Did you know his age when he came to you?—I thought he was older.

Did you ask?—Yes.

What did he say?—I thought he was twenty-two when he first came, and afterwards he said he was nineteen.

How did you come to think he was twenty-two?—Because that is what he said.

He said so?—Yes.

When did you learn that his real age was eighteen?—I think—I am not quite certain—on his birthday.

When was that?—19th November.

*Cross-examination continued* by Mr. CASSWELL—You advertised, did you not, for a boy between the ages of fourteen and eighteen?—Yes.

That was the sort of age that you wanted him?—Yes; I had always put the advertisement in like that, but I would not take any notice of the age. I have often had people come and call themselves seventeen when they had been a little older. I would not take any notice of that.

Mr. JUSTICE HUMPHREYS—What was the advertisement, Mr. Casswell?

Mr. CASSWELL—An advertisement for a boy between the ages of fourteen and eighteen.

By Mr. JUSTICE HUMPHREYS—That is right, is it?—Yes.

*Cross-examination continued* by Mr. CASSWELL—Did people get to know that you seemed to be a little bit too intimate with Stoner, do you think? Did anyone talk to you about it?—No.

Do you remember Mrs. Price saying something to you about it?—She sort of referred to it, but I considered it was none of her business to interfere with my private domestic affairs. I think I told her so.

Was there an occasion about a fortnight before this 24th March when Mrs. Price rather remonstrated with you and said, “Are not you getting too fond of that boy”?—She tried to refer to the

## Rattenbury and Stoner.

Mrs Alma V. Rattenbury

subject, but, as I say, I politely told her to mind her own business.

Did you say on that occasion "I told you I would make him love me, and I have"?—Absolutely not.

That is not true?—Absolutely a falsehood.

Was it before or after your trip to London that you came to the conclusion that you ought to break off the connexion because he was so young?—Several times since November that subject came up.

Why did you take him up to London and spend all this money on him?—Because, having said to Mr. Rattenbury I was going away, I had to go, and I took that for an opportunity to get him some clothes, which he very much needed.

You said to Mr. Rattenbury that you had a serious operation, did you not?—Yes; as I explained before, my whole married life was spent twice a year, more or less, telling a lie like that.

You used to have £50 a month for housekeeping, did you not?—Yes, but I had to pay for everything out of that, and it never was enough.

Did you ask for £250?—Yes.

You were not overdrawn to that extent at all, were you?—No, but I thought then I would not have to go through the beastly business of asking again in June, so I would sort of kill two birds with one stone, as it were.

How much of that £250 did you spend up in London?—I am rather vague on money. First, of all, I paid off a lot of debts in Bournemouth, and what was over I took to London. There was not much.

You spent a considerable amount in Harrod's—about £50, was it not?—Yes.

Did you not get that £250 in order to go to London?—Absolutely not; to pay my debts in Bournemouth, which I did do. You can see by my bank account that all the shops were paid.

Why was it necessary to go to London?—Well, I could not think of any other place to go. I might have gone to Devon.

That was making out the excuse?—To Mr. Rattenbury, yes.

Would it not have been better if you had found a room for your chauffeur somewhere else when you went up there?—Yes; I wish I had since.

I want to know about the pistol that you say Stoner had when he came in on the night of the 24th. Had you seen that before?—No.

What was it like?—I did not particularly look at it. I hear it is a toy pistol, so I daresay that is what it was.

There is one pistol that has been talked about, or the box in which it was contained, and that was called an air pistol, but you did not look at this thing at all?—No. It was a small revolver, you know, and he had it like this (indicating), and I told him to put the beastly thing away; it might go off.

Did you think it was a real one then?—Yes.

## Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Did you say anything to anyone about it?—No, naturally not.

What did he do with it?—Well, he put it in his pocket.

Do you mean to say you did not take any further steps about that?—No. Why should I?

Well, I do not know. You thought it was a real revolver that he was brandishing about?—Yes, but I did not see Stoner again that night after I had sort of, what I call, pacified him.

But he brought the supper or high tea into the drawing-room?—Yes, but I could hardly get up and say, "Give me that gun," in front of Mr. Rattenbury, could I?

But, in the first place, Mr. Rattenbury was not there at all?—In the drawing-room.

When he first produced this revolver?—Oh, no.

Why did you not say to Mr. Rattenbury, "This boy has a revolver; take it away from him"?—I naturally would not say anything about Stoner to anyone else, would I.

Well, I do not know. Do you say that you really thought it might be a real revolver?—Yes, but I could have got that away the next day.

I see, and you thought that all was well. Had you ever seen—I am not accusing you of anything—had you ever seen this mallet in the house before?—No, never.

Had you suggested somebody should get a mallet?—Oh, no.

Had you not?—No, absolutely no.

Cross-examined by Mr. CROOM-JOHNSON—Mrs. Rattenbury, you appreciate, do you, that there is only one person alive who can check your story of what went on in this house from the time that Irene Riggs went out until Irene Riggs came back on that Sunday evening?—Yes.

That person is Stoner?—Yes.

Tell me this: you have been asked already what the point was in the journey to London with this boy whose mistress you were. What was the point of the journey to London with this boy if, in fact, you and he had been living together practically as man and wife since 22nd November, 1934?—I tried to explain that just now; it was all for Mr. Rattenbury's benefit.

Mr. Rattenbury's benefit?—Because I said I was going to London to have an operation, and I had to leave home.

That was the story you told your husband, who is now dead?—Yes, that is the truth.

What was the point of going on the journey at all?—Because I could not stay in that house when he had given me the money for the operation. As I say, I might have gone to Cornwall, or anywhere.

I want to be fair with you. Before you asked for the money from your husband, had you made up your mind to go to London?—No.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

You got the money on the same day?—Oh, if ——

The same day. Then before you went to your husband for money you had made up your mind to go to London?—To go to London, yes, because you would naturally say London for an operation, you see.

With Stoner?—Yes.

And did you take care, in asking your husband for money, to ask him for enough to enable you to defray the expenses of the journey to London?—Well, no. When I asked for the £250, I thought it would save me the trouble of asking him again in June, and then I could get through until next Christmas without asking again.

When you went to your husband, had you made up your mind to fit this boy out with clothes?—No, not like that.

Had you thought about it?—No. I was going to get a suit of clothes, but when I got there I sort of went ahead and shopped like that.

Had you thought about giving him clothing before you went to your husband for money?—No.

Your husband was a man who had retired?—For about twenty years or more.

And was living largely, if not wholly, on his means?—Yes.

Had he got a sufficiency of money?—I understood he was very well off.

You had little or nothing?—Exactly, except what I made with my writing, and I had cheques from my mother.

Should I be doing you any injustice if I suggested that you had little or nothing?—Except odd money from my mother.

If you please. How much in the year?—I do not know. She would send me at Christmas £25 or £10—something like that.

Stoner had nothing?—No.

Had the question of money between you and your husband been a matter about which you had differences of opinion in the past?—Oh, yes.

Am I putting it fairly when I suggest that you were in the habit of deceiving your husband in order to get what you regarded as sufficient money for your needs?—Absolutely.

Did you know that your husband's securities had fallen very considerably in value?—No. He was always talking like that, so it was a case of the lamb calling wolf; if it was so, one would not have believed him.

Did you tell him before you asked for the money, or at the time you asked for this £250, that you were going up to London to have an expensive operation?—Yes.

Did he tell you that it would be at a considerable sacrifice if he gave it to you?—Yes, but he always all his life talked like that, so that no one ever took him seriously on the point of money.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Madam, please do not tell me "no one"; let us confine our attention to yourself and your husband. When you say that you did not take him seriously——?—No, absolutely not.

About how much money did he let you have in the course of a year?—Oh, I really could not tell you that.

Considerable sums in the course of a year?—I could not answer that.

Hundreds?—I suppose so.

With regard to this account that you had in the bank in your own name, you paid out of it, I see, Miss Riggs and Stoner?—Yes.

Anything else?—Oh, yes. I had to pay all the household accounts, and get Mr. Rattenbury's clothes and the children's clothes, and their schooling—not the schooling for little John. It was too much; that was why I was always overdrawn.

About how much a year did he let you have?—He used to give me regularly £50 a month, and I was regularly overdrawn.

£50 a month would be £600 a year?—I see.

And in addition to that about £150 on each of two occasions?—Yes—that and more.

Something over £1000 a year?—Yes, I daresay.

Did you tell your husband that Stoner was going to stay at the same hotel with you?—I never mentioned it; it was not necessary to lie.

By Mr. JUSTICE HUMPHREYS—It was not?—It was not necessary to lie—just nothing was said.

*Cross-examination continued by Mr. CROOM-JOHNSON*—Nothing was said?—Nothing.

You, in fact, drove as far as Southampton?—And then the car broke down.

And you left the car there and went on by train?—Yes.

Did you ever tell your husband that you were buying clothes for Stoner?—I never told my husband I was buying clothes even for little John. Expenses were never brought up in my life with Mr. Rattenbury.

These clothes you did buy for him, did you regard them as necessary? You used the words this morning, I observed, that he required clothes?—Yes, I considered so.

Silk pyjamas at 60s. a suit?—That might seem absurd, but that is my disposition.

During the time that you were in London were you on the, what had become, ordinary intimate terms with Stoner?—The same as at home, yes.

What was the last occasion on which you were intimate with Stoner?—Saturday.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

You have told us that on the Sunday night Stoner came into your bedroom and got into bed with you?—Yes.

Was that something which happened frequently?—Oh, always.

Always? Were you fond of your little boy, John?—I love both my children.

Were you fond of John?—Naturally.

Did John sleep in the same room?—Yes, but in another bed at the other side of the room.

It is not a very large room?—No, but little John was always asleep.

Are you suggesting to the members of the jury that you, a mother fond of her little boy of six, were permitting this man to come into your bedroom with you, in the same room where your little innocent child was asleep?—I did not consider that was dreadful; I did not consider it an intrigue with Stoner.

Until Stoner told you during that time and in that bed about the mallet and about the hiding of the mallet, can you recollect any other occasion that evening when he had that opportunity?—No.

By Mr. JUSTICE HUMPHREYS—I am not sure I follow that. Do you mean that, after you found your husband injured, during the whole of that night you were never alone with Stoner?—Yes.

Were you alone with Stoner that night at any time after you found your husband injured?—No. I cannot remember.

*Cross-examination continued by Mr. CROOM-JOHNSON*—You told us this morning that you did not hear Irene Riggs come in?—No.

There is evidence in the case that after Irene Riggs came in Stoner was out on the landing, looking over the banisters?—Yes.

From the time that he got into your bed to the time that you jumped out of bed and went downstairs to the drawing-room, did Stoner ever leave your bed?—I was in bed when Stoner came and got into bed. Do you mean, did he get out before me? No.

Did he remain in bed with you?—Yes.

From then continuously up till the time when you jumped out of bed and went downstairs?—Yes.

Did you hear Stoner speak to anybody outside the door or on the landing?—No.

Did you know that he was out there at all?—No.

How soon after you got downstairs that evening and, as you say, discovered your husband in the chair did you call out for Irene Riggs?—I should say it would be about three minutes; it would not be very much more—two minutes.

She told us, according to my recollection, almost immediately?—Yes, I just had time to walk round.

Was there a great deal of blood when you got down there?—Yes.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

On the carpet?—Yes.

Did you notice blood on his clothes and on his collar, which had obviously run down from his head?—Yes; it was his eye that I noticed.

Was it apparent to you when you got down there that he must have been bleeding for some time?—I never thought one thing or the other.

You saw blood and did not think. Now, do you think from the blood that you saw that he must have been bleeding for some time?—There was just about *that* much, a spot about *that* big (indicating).

On the carpet?—On the carpet round.

Soaked in?—I do not really know.

The sight upset you, according to your evidence?—Naturally.

And you took some whisky?—Yes.

Was that before Irene came down or afterwards, as nearly as you can recollect?—I think it must have been after Irene came down.

Was that neat whisky?—Neat.

How much?—Oh, I poured out as much as I could get down.

And then?—I was sick.

You were promptly sick?—Yes, and I poured out another one.

How long was that before the doctor came?—I cannot remember the doctor.

Cannot you remember the doctor coming at all?—I have pieced together from hearing here——

Are you telling the members of the jury that from the time practically that you were sick and poured yourself out a glass of whisky your memory does not serve you at all?—I can, yes, a few things. I remember like in an awful nightmare.

You remember, as I gather, placing a wet or white towel—I am not sure which it was—round Mr. Rattenbury's head?—Yes, and I remember rubbing his hands, and they were so cold.

Is he still in the chair in the drawing-room?—Yes, I wanted to get his teeth in; I thought he could talk and tell me what happened.

And according to you that is the last thing that you recollect?—I remember one or two things more.

Tell me the things you recollect on that night?—Nothing that night; it was a shock to me to hear——

Do you recollect Dr. O'Donnell coming?—I cannot.

What?—No, I have tried so hard, even with piecing together from what I have heard, to remember and I cannot.

Do you recollect the second doctor arriving?—No.

Dr. O'Donnell was a friend of yours and your medical attendant?—Yes.

As a rule, a person calculated to soothe rather than excite you?—Yes.



# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

You recollect nothing of Dr. O'Donnell that night?—No. As I say, I have tried in the last two months very, very hard to remember with piecing together, and still I cannot.

Do you recollect a succession of police officers coming in?—No, I could not; not one man could I see in Bournemouth. I tried to remember.

You recollect nothing at all more that night until some time the next day?—Little John standing in the doorway and his little face; I remember that.

What time of day was that?—I do not know. I can remember getting into a car, but I do not know what car, and that child's face in the doorway.

Where do you recollect yourself as being when that happened?—I was getting into a car, but I cannot remember—I had to ask what car afterwards.

Do you recollect arriving at the police station?—No, completely nothing.

Do you recollect being charged at the police station?—No, my mind has gone.

Do you recollect being before the magistrates about eleven o'clock the next morning?—No.

Do you recollect two interviews with your solicitors that morning?—No.

In the course of which I suggest you gave them instructions?—No.

Do you recollect seeing Dr. O'Donnell somewhere about one o'clock?—No.

What is the last you recollect of Stoner that night?—I remember Stoner kissing me goodnight in my bedroom, and I cannot remember going downstairs to the car, but I remember little John at the door, and those are the only two things at the Villa Madeira I remember after that awful night.

Had you a sunshade put up in the garden the previous year?—Yes.

Had you a mallet for that?—No, no mallet for that; I think he used to put it up with the axe.

Was there any intention that day, Sunday the 24th, of putting up a sunshade in the garden?—Not to my knowledge.

That day you had had tea with your husband?—Yes.

You never saw the mallet?—No.

What was the sound that you heard, according to you, which made you run downstairs?—I heard a groan.

Was it loud enough for anybody else who was awake in the house to hear it?—Well, my bedroom is right over the drawing-room, and you could hear it quite clearly there.

You could hear it quite clearly?—Yes, but perhaps in Irene's room she would not hear that because of the wall.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

What sort of groan was it that you heard? Can you describe it?  
—A jolly good groan.

By somebody?—Somebody in pain. Just one groan—nothing else.

Not somebody saying, "Dear, dear," or anything like that?—  
I do not recollect that I heard, "Dear, dear."

And Irene came down almost at once?—Yes.

By Mr. JUSTICE HUMPHREYS—Did you find the drawing-room door open when you got downstairs?—I am sorry, I could not tell you that.

You do not know?—No. I think it would be open, yes.

I do not want you to tell me what it would be?—It usually was.

But you do not know?—No.

Was your bedroom door open when you heard the groan?—No, I was in bed.

Was your bedroom door open?—Oh, no, it was closed.

*Cross-examination continued* by Mr. CROOM-JOHNSON—Do you recollect whether you put soda in your second dose of whisky or not?—No, I cannot; I have an idea that I took it neat, but I might not have.

Are you accustomed to drinking whisky?—No.

But you drink cocktails?—Oh, yes, and wines.

Are you fairly well accustomed to cocktails?—Pretty well, yes.

Do you make them up yourself?—No, we usually buy the made-up ones; sometimes we make them up.

When you used to take cocktails for the purpose of getting your spirits up, how many did you take?—Two or three.

Two or three in what period of time?—Well, drink one, and then have——

Do you mean just before your evening meal?—Yes; take one and then another, and then take another.

Two or three?—Yes.

Just before your evening meal. Might it be more?—It might be—not always—but sometimes just one.

Very frequently?—Not very frequently.

Are you accustomed to consuming wine every day?—Not every day.

Most days?—No, not most days.

What I am suggesting to you, you know, Mrs. Rattenbury—let me make my suggestion quite clear—is that you are quite accustomed to consuming fairly large quantities of alcohol?—Of wine, yes.

And of cocktails?—Yes, quite true.

You agree with me that cocktails are sometimes rather a con-

## Rattenbury and Stoner.

Mrs Alma V. Rattenbury

centrated form of alcohol?—That is why Stoner wanted me to stop them, and I did.

Stoner had thought apparently that you were drinking too much?—Yes.

Very well. Well now, you do not remember Dr. O'Donnell arriving?—No.

So that you can give us no help one way or the other as to any statements that you are alleged to have made to Dr. O'Donnell?—No.

You are neither in a position to contradict him nor to accept what he says. Is that the position?—Absolutely; I have to.

Did you hear Irene call out for Stoner that evening fairly soon?—No; I could not tell you whether I called, or whether Irene did. I do not really know.

When Stoner came into your bedroom that night was he dressed in his pyjamas?—Yes.

Are you sure he had not his trousers on?—No, absolutely positive.

Or a shirt?—No, just his pyjamas. He got into bed.

And when you left the room and went downstairs, if this story is right, you left Stoner in your bed in your bedroom?—Yes.

Have you heard it said in the course of the case that when Irene called out for Stoner, he came down almost immediately, certainly dressed in his trousers?—Well, it would be the natural thing he would do.

And it is said a shirt?—Yes, but it is the thing, I think, any man would do, to put his trousers on, would he not?

Do you know whether he possessed a dressing-gown?—Yes.

I am suggesting to you, you know, that Stoner had never undressed that night?—Oh, he was undressed.

And had never been to bed?—Oh, yes; he got into bed.

Had he got a dressing-gown? Had he come into your bedroom wearing his dressing-gown?—No, just pyjamas.

And then afterwards you do not recollect telling Dr. O'Donnell anything about the visit to Bridport?—I remember nothing like that.

Have you ever stayed with Mr. and Mrs. Jenks at Bridport before?—Yes.

How long before?—I could not really tell you that.

Have they a large house or a small house?—A large house.

A large number of bedrooms or small?—It is quite a large house.

How long before had you stayed at Bridport?—Just a night.

How long before?—Oh, I could not tell you the month we were there.

Before Stoner had come to the house or afterwards?—Oh, yes, before Stoner came.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Are you suggesting to the members of the jury that you wanted to go to Bridport?—That I wanted?

That you wanted to go to Bridport?—No, not I; I wanted to cheer Mr. Rattenbury up to make a change for him, and he did not want to go to London, so I suggested Bridport.

Did it occur to you that if you went to Bridport Mr. Rattenbury might want to treat you as his wife?—No; if I had thought it was going to happen like that, I never would have suggested going.

It never occurred to you?—No.

You know exactly what I mean by saying treat you as his wife?—Yes, exactly.

When had you last been intimate with your husband?—About six years ago.

How old is little John?—Yes, that is what I am just taking. He is six and a half in June.

John is six and a half in June?—Yes.

Are you fond of him?—Naturally.

What?—Yes.

Your husband?—No. Did you ask—

Were you fond of your husband?—I did not love him, no; I was more of a companion than anything.

If he had wanted his rights as a husband, would you have been ready to grant them to him?—If he had wanted what—oh, no. I do not think so.

In March of 1935?—Oh, no, I do not think so—decidedly not.

Were you fond of this boy?—I loved him.

Did it occur to you that if you went to Bridport with your husband you might possibly sleep together in the same room?—Naturally not, or I would not have suggested going.

Tell me one other thing about the visit to Bridport. You knew, according to your evidence that you have given here, that Stoner had refused to drive you to Bridport?—Yes, but I thought that he would change his mind.

Do you mean you thought you could persuade him to change it?—Yes.

You were not upset when you went into Irene Riggs's room that night, were you?—No.

Do you recollect what took place in that room?—Yes; I told her about the next day, and that I had had a rumpus with Stoner because he did not want me to go away, but I said that it had blown over and it was all right, that I was not certain whether he was going or not, but I thought I would be able to fix it all right.

You remember all that?—Oh, yes.

Where was Stoner when you were in Irene Riggs's bedroom?—I do not know. He would be in his bedroom then.

Used you sometimes to go into Stoner's bedroom?—Yes. He always undressed in there and came into my room after.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

You have not followed my question. He always undressed in his room and then came into your room?—Yes.

You told me a moment ago that on the Saturday night Stoner was intimate with you?—Yes.

In your room or in his room?—My room.

With little John in bed in the room?—But he was sound asleep.

With little John in bed in the room?—Yes; he was sound asleep.

Just one other thing. Did you ever go into Stoner's bedroom when he was there?—Oh, yes, frequently.

Did you ever go into bed in that room?—Yes, when my elder son was home.

In bed with Stoner?—Yes, when my elder son was home.

Was not that, to say the least of it, the more convenient course when your little boy was sleeping in your bedroom?—It really had not entered my head like that, because I always had my children very intimately with me.

Was there anything that you can think of, if you wanted to indulge your passions that night, why you should not have gone into Stoner's bedroom?—No, but there was no reason why I should, because I had not ever done it before except when my elder son was at home.

Where was Stoner when you went into Irene's bedroom?—I do not know; I should think he was in his bedroom undressing.

In his own bedroom undressing. You see, Irene Riggs has told us that she went downstairs and that she came up again and found Stoner looking over the landing?—Yes. I daresay he was just perhaps coming out of his room then to come into mine.

And he was leaning over the landing, as he said, to see whether the lights were out?—Yes. There would be nothing out of the way in that; he would come from his bedroom to mine.

At that time, as I understand your evidence, he had never come into your room, because he never left your bed from the time he entered it to the time you went downstairs?—Yes, that is right.

Irene Riggs then came out again a little later on and went along the passage and then went back to her own bedroom?—Yes.

I suggest that you went into Irene Riggs's bedroom to speak to her because you had heard her moving about?—Oh, no.

According to your evidence that you have told us this morning, you had not heard her come in?—No. Well, I daresay I would. I was in the habit of going in, and if Stoner was not already in I would go in there to tell her what was happening the next day. There was nothing out of the way in that.

Had you not gone into her bedroom to be perfectly certain everything was all right?—Yes, to explain about the next day.

Do not misunderstand me. I am suggesting that you had gone into her bedroom to see everything was all right and that she had not found out what had happened downstairs?—No, I could not very well do that.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Now, I am going to take this as shortly as I can in view of the answers that you have given me. You had heard something about suicide that evening, according to you?—Yes, but that was nothing out of the way; I had heard it several times.

Do you recollect whether you told that to Dr. O'Donnell that night?—No.

What?—No; I am sorry.

Do you recollect being in your bedroom afterwards, first of all with the police officer, or more than one police officer, in the room?—No, I have forgotten. I am very glad I have forgotten a lot of these details.

Dr. O'Donnell has told us that he gave you half a grain of morphia?—Yes.

And that eventually you went upstairs to bed and finally went to sleep. Do you recollect being given a cup of coffee in the morning?—No, I do not.

And drinking it?—No.

And having a bath? Mrs. Rattenbury, are you really telling my lord and the members of the jury that you do not remember either of those incidents the next morning?—Absolutely not.

The next morning at 7 a.m.?—Absolutely not, except little John at the door. I cannot remember the car, or how I went—anything.

Do you remember the police-matron in your room?—I cannot; it has completely gone, that.

You cannot remember anything else?—Those three things.

Your mind is a complete blank about conversations?—Fortunately. I have tried to piece it up, but I am glad from what I have heard that I have forgotten.

About conversations, your mind is a complete blank?—Absolutely.

About incidents?—Yes. It might be somebody else you are talking about.

About people?—Oh, yes.

About conversations?—Quite.

All a complete blank?—Not to everything there.

Do you recollect making a statement to Detective-inspector Carter?—I remember not one of those policemen.

Is your mind a complete blank about making a statement to Detective-inspector Carter which he wrote down in this little book (Exhibit 39)?—I cannot remember that. I have tried, tried and tried; yesterday, last night, I tried to remember again that—

Just look at the little book. Do you recollect the little book? Look at the book first (handed Exhibit 39), and then I will put my question next?—Then I might be able to remember.

Do you see the words "Alma Rattenbury"?—Yes. It is all absolute double-dutch to me.

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

MR. JUSTICE HUMPHREYS—Just wait for the question.

*Cross-examination continued by Mr. CROOM-JOHNSON*—Is that in your handwriting?—Yes, that is my signature.

That is your writing. Look at it carefully; read it through to yourself, and then I will ask you a question. Do you recollect the officer reading that out to you?—No.

Do you recollect your asking the police officer to be allowed to read it for yourself?—No; that was quite a shock to me yesterday, hearing that.

Do you recollect his handing you the book and reading it for yourself?—No.

And sitting on the bed holding that book in your left hand and putting your signature to it with your right?—No. It is my signature, but I do not remember it.

Tell me one thing that I want to get quite clear: according to your recollection, as far as you knew, had Stoner come into your bed that night before Irene Riggs came in or afterwards?—After I had said goodnight to Irene.

You see what is said in that little book: "About 9 p.m. on Sunday, the 24th March, I was playing cards with my husband when he dared me to kill him as he wanted to die"—Yes.

Now, you do recollect the incidents of Sunday evening?—Yes.

Up to the time, at any rate, when you went downstairs and found your husband injured?—Yes.

Is it true that at about nine o'clock on Sunday evening you were playing cards with your husband?—Yes, I was playing cards at nine o'clock that night.

Is it true that he dared you to kill him?—No. He read me that in the day time about suicide; he had referred to it several times in the last few years.

And that he wanted to die?—He had said that in the last few years.

That evening while you were playing cards?—No, not then. In the afternoon when he read me that page.

Is it true, as it is stated in that book, "I picked up the mallet" meaning you?—It would be an impossibility. Where would I pick it up?

Is it true he then said, "You have not got guts enough to do it"?—No, that is what he said in the afternoon when he read it, that he did not have guts enough to do it.

Is it true you then hit him with the mallet?—Absolutely not.

And that you hid the mallet outside the house?—I could not.

You told us this morning of what Stoner told you, that he had hidden the mallet outside?—Yes.

Then the expression, "I would have shot him if I had a gun"—does that accurately represent your feelings towards your husband at times?—No. I cannot think why I could have said that,

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

except after seeing the revolver in the afternoon and the two made my mind go to that, you know.

There were times when you were very angry with him, were there not?—Yes, quite.

Particularly when you were having money difficulties with him?—Yes; not always money.

Did you have difficulties with him? Were you angry with him at the time that he struck you and gave you the black eye?—Very, that night.

Very angry. Is that the only time that he lost his temper with you?—No, he had lost it on several occasions. I always kept him pacified so as not to rouse his temper.

Has he lost his temper with you on several occasions since Irene Riggs came to live in the house?—I do not think many.

Not many. Had his temper changed about that time?—No, he was always all right if he was just left to sleep.

You see, he has been described here, Mrs. Rattenbury, to use the exact language, as an amiable gentleman?—Yes, quite; when he was just like that he was charming.

Now, I put the suggestion to you that that statement was made about 8.15 in the morning, after you had had coffee and a bath. Do you recollect going away from the house a little later on and seeing Stoner and Irene Riggs in the hall?—No, I just remember little John at the door. I tried not to remember that.

It has been sworn to that what you said to Riggs and Stoner was: "Do not make fools of yourselves"?—Yes.

Have you no recollection of that?—Absolutely none.

Do you recollect the last thing that your lover said to you before you went off to prison?—No; I remember him kissing me upstairs.

The sort of thing that a woman might remember, what her lover said to her at the last moment before she was going to prison?—He never said anything when he kissed me upstairs. I do not remember if he did.

Just before you were leaving the house, in the hall in custody?—I do not remember seeing him even, really—just little John.

Do you swear that you do not recollect his saying "You have got yourself into this mess by talking too much"?—No; I swear I do not remember any of that.

Do you recollect what car you went to the police station in?—I have asked and been informed what I went by; I did not know what I went in.

Did Stoner drive the car in which you were taken to the police station?—So I have been told.

Is your mind a blank as to what you said when you were charged at the police station about this?—Absolutely.

According to the sworn evidence in the case, when charged at the police station you said this: "That is right; I did it deliber-



# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

ately and would do it again." Have you no recollection of that?  
—No, absolutely none.

At the police station that morning somewhere about half-past twelve, do you recollect writing a cheque in favour of Stoner for £5?—I remember writing two cheques, one for Irene and one for Stoner, but I do not remember who I gave them to. I can remember taking my cheque book so that I could send them back cheques knowing I was going away. I wrote from Holloway and asked whether they got the cheques, but I do not remember who I gave them to.

Mr. O'CONNOR—Well, my lord, I should like to see that letter. I am told the Crown have that letter.

Mr. CROOM-JOHNSON—If it is here, Mr. O'Connor, you shall have it. (To the witness) You wrote a letter?—Yes.

Afterwards?—Yes.

To whom?—Irene, I think.

Asking for your cheque book?—No, asking her whether she had cashed the cheque, because I did not know whether she had got it.

How long after these occurrences did you write that letter?—Oh, I could not say.

A day or two?—Oh, I could not say.

This much is plain, that when you wrote that letter you had quite a clear recollection of having written the two cheques?—Yes, absolutely.

On the morning of Monday, the 25th?—Yes; I can remember sitting and writing them too.

And how much the cheques were for?—£5 each.

And who they were for?—Yes, absolutely.

And you could recollect having handed them to somebody?—To somebody, I know; I cannot even remember that.

Up to that moment, according to your evidence, your mind is a complete blank for many hours?—I cannot even remember how I got the cheque book.

Is that the first thing you can recollect after you recollect putting a wet towel round Mr. Rattenbury's head—

Mr. O'CONNOR—No, she says—

Mr. CROOM-JOHNSON—Of course she has, and the jury have heard it, Mr. O'Conner. (To witness) Is that really, in substance, the first matter that you recollect from the time that you recollect putting a wet towel round Mr. Rattenbury's head?—Do you mean to say, is that the last thing I remember practically doing?

You have told us that you recollect putting a wet towel round Mr. Rattenbury's head?—And I remember pouring that last glass of whisky, but I cannot remember whether I took it.

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

So that from that time onwards do you wish the members of the jury to believe that your mind is a complete blank, with the exception of one or two trifling things you have told us, until you recollect about the two cheques at the police station at half-past twelve or thereabouts on the Monday morning?—But that is absolutely the truth.

By Mr. JUSTICE HUMPHREYS—I want to understand your state of mind on the 24th and the early morning of the 25th. According to what you are presenting to the jury, do you say that you have a perfectly clear recollection of what Stoner said to you when you were in bed?—I think so.

Well, have you any doubt about it?—No.

You say no?—Absolutely.

You remember even the trivial detail that he mentioned to you he had hidden the mallet?—Yes.

You are sure about that?—Yes.

And you are sure that is when you learned that he had hidden the mallet?—Absolutely. I never spoke to Stoner again.

Well now, the next morning we have had evidence that you said to Irene Riggs, "Tell Stoner that he must give me the mallet." Did you say that?—I presume I did.

Do you mean you do not remember?—Absolutely not.

You must have remembered at that time all about it, must you not, or you could not have said that?—I wish I —

Do you really mean that you have no recollection of any conversation you had with anybody?—No.

The whole of the time?—No, I felt as if I were the one who had been hit over the head.

But you remember quite well what was said to you, and every word that was said to you by Stoner just before?—Oh, yes.

In bed?—Naturally.

You say naturally?—Well, I had not had that dreadful shock then. We were quite happy: I was quite happy then—life was different.

Now, it is quite clear that your evidence to the jury is that you do not remember even seeing a police officer that night?—No, I saw them all for the first time in Bournemouth.

You do not remember Dr. O'Donnell coming?—No.

Did you have anything except whisky that night, except the morphia the doctor gave you hours later?—No.

Nothing else?—No.

Very well. Now, there is another matter I want to understand. You say you did not hear Miss Riggs come in?—No, I never did; she was very quiet.

She may have come in very quietly?—She always did.

Did you hear while you lay in bed and before Stoner came into

## Rattenbury and Stoner.

Mrs Alma V. Rattenbury

the bedroom Miss Riggs and Stoner talking just outside your bedroom door?—No, I heard nothing.

Did you not hear a word of that?—Absolutely not.

You were not asleep; can you explain why?—Well, it would not be very easy; my bed is over towards the window, and if they were out on the landing and my door was closed, and they would not talk in a loud voice, naturally I do not think anybody could hear it there.

We are told one of them, Stoner, was upstairs outside your room calling over the banisters to Miss Riggs who was down below, and she answered him, or she called to him and he answered?—They are very soft spoken.

You did not hear a word of that?—No, absolutely.

But you did hear your husband in the drawing-room groaning?—You could hear every noise in my bedroom from the drawing-room quite distinctly.

When Stoner told you he had done this thing, did you believe him?—No.

When you found your husband, did you believe him?—Well, I had to believe him then.

You did?—I hardly knew what to think.

Had you any doubt at all when Stoner told you that he had hit your husband on the head with the mallet, and you went downstairs and found your husband had been hit on the head, that what Stoner had said was true?—Well, one would naturally think so, would you not?

I do not know. You are here to answer my questions. I would like to have a plain answer from you: had you any doubt that what Stoner said to you was true?—I did think it was.

Did you tell anybody of that?—No. Do you mean at the time?

Did you tell anybody that Stoner had done this to your husband and you knew it?—Oh, no, unless I said something that night that I do not remember.

When did you first tell that to anybody?—I think my solicitor. You told your solicitor?—I told him that, yes.

Re-examined by Mr. O'CONNOR—With regard to that last question of my lord as to whether you told anybody, I suppose you have no recollection of saying between two and half-past three that very morning, "My lover did it"?—Oh, no, naturally not.

What was the thought uppermost in your mind when you heard the news from Stoner?—Upstairs?

Yes?—After he had actually told me to try to protect him.

To protect him—that is Stoner?—Yes. Do you mean after I had seen Mr. Rattenbury?

I mean when Stoner told you this story, what did you desire to do as regards Stoner?—I thought he was frightened at what he had done because he had hurt Mr. Rattenbury. I think he just

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

sort of thought he hurt him bad enough to stop him going to Bridport, and when I said, "I will go and see him," then he said, "No, you must not." He said, "The sight will upset you," and I thought all I had to do was to fix Ratz up and that would make him all right.

When you saw your husband, did you make any decision as to what you were going to do regarding Stoner?—No; he was worse than what I anticipated.

Did you decide to do anything as regards Stoner?—No, my mind went—awful, dreadful.

Now, my learned friend has put to you a statement that you are said to have made at a quarter-past eight in the morning. First, of all, have you any recollection of ever having morphia that night?—No.

My learned friend has suggested to you that the statements in it are true. I want to ask your views about it. "About 9 p.m. on Sunday, the 24th, I was playing cards." It is true you may have been playing cards?—Yes.

Would you be playing about nine o'clock?—Yes.

Now, you told us you went upstairs. You let the dog out about half-past nine?—Yes, I went upstairs at 9.30.

And up till that time were you playing cards?—Yes.

"He dared me to kill him as he wanted to die." Had he ever dared you to kill him?—Suicide has come in several times with Mr. Rattenbury.

Did he ever dare you to kill him?—No, not to my knowledge, except that he has talked of suicide and the gas oven and things like that; that would be a dare. That is why I had that quarrel that night, I was getting rather fed up.

Very well. "I picked up the mallet." Do you have mallets lying about in the drawing-room?—I could not have picked it up; it would be an impossibility to pick up a mallet that was not there.

What I was asking was, are mallets part of your drawing-room furniture? Have you ever seen that mallet before?—Never before in my life.

What was the first time you saw it?—In Bournemouth.

When in Bournemouth? At the Police Court?—Yes.

"He then said, 'You have not got guts enough to do it.' I then hit him with the mallet." Did you hear the police-sergeant say there was no sign of any struggle on the part of Mr. Rattenbury? Did you hear that in Court?—Yes.

Did you hear it said that the blow was probably struck from behind?—Yes.

"I hit him with the mallet. I hid the mallet outside the house." Except from what Stoner told you, had you any idea where the mallet was for the rest of the evening?—No, I did not know where it was, because he said "outside," and I did not know where. I asked where it was after I had been to Bournemouth, and they told

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

me where they had found it, and the next thing I wanted to know was by which door they had found it, and then I knew.

MR. JUSTICE HUMPHREYS—It comes to this, does it: that statement the witness says is practically true if you substitute “Stoner” for “myself.”

MR. O’CONNOR—No, I did not understand that from her.

MR. JUSTICE HUMPHREYS—Somebody picked up the mallet; somebody hit him on the head with it; somebody hid the mallet outside. If she had said “Stoner” instead of “I did those things,” it would have been true.

MR. O’CONNOR—My lord, with respect, no. You can hardly apply that to the story of going and fetching the mallet, four miles away, bringing it back to the house and doing the act in that way. (To witness) Now, let me ask you this: “‘I know who did it—his son.’ ‘How old is he?’—‘Thirty-two, but he is not here.’” Do you remember saying anything of that kind to Inspector Miles?—No.

We do not want to bring in the whereabouts of the son or anything, but do you know, is he in England?—In Canada.

Was he in Canada on the 24th March?—Yes.

Let me look at another statement. Tell me, you read the newspapers sometimes, do you, Mrs. Rattenbury?—I have not since the case because they are not allowed.

I am not talking about that—in the ordinary way?—Yes.

Do you know what a Coroner is?—No, I do not absolutely know what a Coroner is.

You have probably read of Coroner’s inquests?—Yes, that would be, because I could not understand how I used the word. It puzzled me.

Then you have heard of Coroner’s inquests?—Yes.

Did you at any time in your life imagine that Coroners sat at half-past three in the morning?—No, I could not possibly—

“Have you told the Coroner yet? I will tell you in the morning where the mallet is. Have you told the Coroner yet?” Did you imagine those important officials were available at half-past three in the morning?—No, it is too absurd.

“I will give you £10—no, I won’t bribe you.” Has it ever crossed your mind that you might get off a charge of unlawful wounding by giving the police £10?—No, it is all absurd, that, written by somebody not myself.

Now, Mrs. Rattenbury, there are just one or two questions I want to ask you. How often, do you imagine, in the last few years have you drunk whisky?—Hardly at all.

A question about your banking account: you got £250 from Mr. Rattenbury on 18th March, and I see that by the 23rd March you were overdrawn £1 14s.?—Was I?

# Evidence for the Accused Rattenbury.

Mrs Alma V. Rattenbury

Yes. What are these accounts? "Bobbys"?—A dress shop in Bournemouth.

Aish?—Electrical.

Wimborne?—That would be a fruit shop.

Tucker, eight guineas?—Dentist.

Boots; that is the chemists, I suppose?—Yes.

Tarrants, £25; what are they?—A dress shop.

Plummers, £9 17s.?—Yes.

What are they?—Same thing, a department store.

A department store. Williamson & Treadgold, £10?—Grocery.

Sainsbury—the butcher, I suppose?—Yes.

Paarman; do you know who that is?—The baker or the milk.

And those—with the exception of £20 to Harrod's and £50 which you have described was cashed for you by Stoner and taken to London—with your overdraft of £57 10s., absorbed the whole of the £250?—Yes.

Who used to pay for your doctor's expenses?—I used to take them out of the household accounts sometimes, but other times I would take it out of what I made from my music.

What I mean is, did they come out of your own account?—Oh, yes.

There was nothing extra given to you to provide for those various operations?—I never had enough with Mr. Rattenbury's clothes and everything in the house to pay for. £50 looked very ill at times.

A hundred visits from Dr. O'Donnell; they all came out of your own account?—Yes, and some of those visits were for the children.

Now, another question on another matter; I want just to get this quite clear. Your bedroom had a french window that opened on to the balcony?—Yes.

They opened inwards from the balcony?—Yes.

Did you have another window?—Yes, two windows at the side.

That would be looking out over the balcony, I suppose?—Yes.

On the side of the house?—Yes.

Now, did you ever have the balcony window open at night?—The balcony door, yes.

The french windows?—Yes, always open at night time.

Let me get it quite clear: what was your practice at night? Was it to have the doors open or shut?—Always open at night when I went to bed.

Were they open while you were undressing?—No, they were closed then to keep the room warm.

And when you got to bed they would be open?—Yes; I put something in the doorway to keep them open.

What about the windows at the side?—Never open except in the summer time; they made too much draught.

Can you remember whether on the night of the 24th when

# Rattenbury and Stoner.

Mrs Alma V. Rattenbury

Stoner came in those windows were open on to the balcony or not?—No, they may not have been, because often he would open that door before he got into bed.

The normal plan was that they should be open?—Yes, when we were in bed.

And if they were open they would, of course, be over the corresponding windows in the drawing-room?—Yes.

Do you know, was it possible to hear from that room what was going on in the drawing-room?—You could hear in the room, but you could not hear from the door of the balcony—not, for instance, music down below; you could not hear that way—but you could hear in the room. It was rather singular like that.

Supposing your window opening on to the balcony and the drawing-room french window were open, could you hear a sound like talking or a groan from one room to another?—One might.

You do not recollect whether, in fact, it was open or not when Stoner came to bed?—I should think it would be open when he got into bed, because if I did not do it he would.

Very well; you do not remember?—No.

Now, just one other matter: You were asked about Mr. Jenks. He lives, I think, at a house called Plasdene Manor, near Bridport?—Yes.

Is it a substantial house outside Bridport, with grounds?—Yes.

With a number of rooms, large rooms?—Yes.

You told us you and your husband had stayed there as guests?—Yes.

Have you also met Mr. Jenks in London from time to time?—Yes.

More than once?—Yes.

Now, my learned friend seems a little surprised about little John's sleeping capacity. You heard my learned friend open to the jury that, fortunately, he slept during the night?—Yes.

Was he a good sleeper?—Oh, a splendid sleeper; nothing would waken him.

And, lastly, I want to read to you a passage from something that I am going to read a little later on; I want to ask you whether it corresponds or not with your recollection of the days after the 24th March. This is what Dr. Morton, the governor of Holloway Prison, has written about you: "She was received into my custody on the evening of March 25th, and I saw her early next morning for the first time. She was very depressed and seemed confused and kept repeating the same sentence over and over again. On the 28th March she was somewhat better and appeared to have forgotten what she had said and how she had behaved the previous days since her reception." Does that correspond with what you recollect about your own mental condition during that time?—Absolutely.

# Evidence for Defence.

Edward W. Mann

Can you remember what you did those first few days after you were received into prison?—I cannot remember. I think it was the second day I started to—I do not remember the first. I have tried to think of the things I saw, but cannot.

Can you recollect any conversation you had at Holloway?—No.

Can you recollect the contents of any letter that you wrote on the first day or so?—No.

You have told my lord and the jury all that you know about the tragedy on the 24th March?—Absolutely all.

EDWARD WELLER MANN (recalled), cross-examined by Mr. CASSWELL—You are the medical officer at Dorchester Prison, I think?—I am.

And this man, Stoner, came to you when—about the 28th or 29th?—The 29th.

In the evening was it?—Yes.

And I notice that you made a report on him, the usual prison report, and said he was fit to plead?—Yes.

Did you have any special observation kept on him with a view to detecting symptoms of cocaine?—No.

You did not?—No.

Would you agree with me that sometimes, except for a skilled observer, after a few days cocaine is very difficult to discover?—I have had no experience of cocaine.

By Mr. JUSTICE HUMPHREYS—When he was brought in what was he charged with?—I think he was charged with murder, my lord.

And, that being so, was or was not special observation kept upon him?—Yes, he was kept under special observation.

Is that a rule with regard to all persons charged with a capital offence?—I believe so.

Well, you ought to know, the medical officer of the prison?—Yes.

Do you do that with all persons who come in?—Yes, my lord, all persons charged with a capital offence.

You do it as a rule?—Yes.

In this case, what you have told us is the result of your own observation coupled with the reports which were made to you by your officers as to his behaviour when they were there and you were not?—Yes.

But he was always kept under observation?—Yes.

You tell the jury, doctor, during the time he was with you he was rational, slept well, took his food well and appeared to be healthy?—Yes.

The Court adjourned.



## Fourth Day—Thursday, 30th May, 1935.

Mr. CROOM-JOHNSON—My lord, Dr. Grierson has called the attention of those who instruct me to a slip which he made in his evidence. I think it is desirable, if your lordship will allow me to do so, that he should come back and correct it.

Mr. JUSTICE HUMPHREYS—Yes.

Mr. O'CONNOR—May I make an application of a similar kind? Mr. Rooke has made a statement to the solicitor instructing me, and, I understand, also to the director, on a matter which I consider important. I would like to ask him questions on it.

Mr. JUSTICE HUMPHREYS—Very well.

Dr. HUGH ARROWSMITH GRIERSON (recalled), further examined by Mr. CROOM-JOHNSON—In the course of my evidence yesterday I made a statement as to the increase in Stoner's weight. I wish to make a correction in that respect. That increase in Stoner's weight of 8 lbs. dated from his reception into Dorchester—the actual date of the weight was 29th March and not from the date he was first received. Before my report was made I only had him about ten days.

Mr. CASSWELL—I have no questions.

ALFRED BASIL ROOKE (recalled), further cross-examined by Mr. O'CONNOR—Have you had experience of people who have been given doses of morphia?—I have a very considerable experience.

In your experience, what is the effect, or what may be the effect, of a dose of morphia upon the recollection of people who have had one?—May I just explain the conditions?

Yes?—I have done a number of operations under spinal anæsthesia in which I have given morphia before the patients have gone through their operations. I have spoken to them and they have answered intelligently, but the next morning they have remembered absolutely nothing; their memory has gone.

Has the recollection of what occurred before come back to them at a later date?—I have known it last as long as two days.

Do you mean that the recollection of events of two days has been blotted out?—Has been lost completely.

Lost permanently?—Permanently.

As regards half a grain of morphia, is that a large dose?—The cases of which I speak have had a quarter.

You are speaking of occasions where there has been a quarter. What do you say to half a grain? Is that a large dose?—Yes.

Mr. CASSWELL—I have no questions.

## Evidence for Defence.

Alfred B. Rook

Further re-examined by Mr. CROOM-JOHNSON—In these cases when you have asked questions, have the questions been coherently answered?—Coherently and intelligently.

Do they lose memory for events during the time that the drug is operating?—Yes.

How far back does that go? Do they lose memory for events before the drug is administered, or not?—In my experience they have not had a retrospective loss of memory. It has been after the time that the drug has acted.

So that the memory of events up to the time when the drug is administered remains?—It does.

Mr. CASSWELL—My lord, in looking over what I said last night, and having read the speech which was made by the prosecution, I find that I have omitted one or two points which I ought to have put to the jury, and which I think they ought to have before them, in order that they may know clearly what issue they have to try. It was entirely inadvertence, and I apologise for it, and I ask your lordship's indulgence to put them.

Mr. JUSTICE HUMPHREYS—I shall not stop you in a case like this.

Mr. CASSWELL—Members of the jury, I must apologise for troubling you once more before I call my evidence, but I am afraid I did not quite put before you the position in a case of murder. There was a recent decision in the House of Lords in which the Lord Chancellor laid this down.

Mr. JUSTICE HUMPHREYS—You are now going to talk of the law to the jury, are you?

Mr. CASSWELL—Just to show the jury what is the issue they have to try. When dealing with a murder case, the Crown must prove (a) death, as the result of a voluntary act of the accused, and (b) malice of the accused. It may prove malice either expressly or by implication. Malice is the intention which is in the mind of the person who does the act, and the malice which is necessary in the case of murder, speaking subject to my lord's correction, is the intention either to kill or to do grievous bodily harm. If the defence, either from evidence given by the prosecution or from evidence called for the defence, shows an explanation which, if true, would amount to a good defence, the onus of proof is still upon the prosecution to show that that defence is not true—for instance, if the defence were that the blow was struck by the accused, but it was struck accidentally. But there is an exception, and it was clearly pointed out in the recent decision of the House of Lords that that is still an exception, if the accused's defence is: I did the act, but I had not sufficient intent owing to a disease of the mind—which is the way in which we lawyers speak of insanity or of drunkenness or of taking drugs—which rendered me in such a state that I was incapable of forming that design, and it is for the accused to prove that. Now, that is the defence

# Rattenbury and Stoner.

Alfred B. Rooke

which is put forward here on behalf of the accused Stoner. On his behalf you have now heard the evidence of Mrs. Rattenbury, and on his behalf I accept and endorse the whole of her explanation of the facts and matters which happened leading up to the day of 24th March, and what happened after that day. It necessarily follows that she, in my submission, did not commit this act, and had nothing to do with it, and the accused does not deny, in fact, admits, that it was his hand that struck the blow. In those circumstances, although the onus is on the prosecution to show you that it was his hand that struck the blow, you will probably have no difficulty in coming to that conclusion. The onus therefore remains upon the defence to show you that when he struck the blow he was, by reason, as I shall submit to you, of his addiction to cocaine, incapable of forming that necessary intent, that is, the intent to kill, or the intent to commit grievous bodily harm. I put it to you in two ways yesterday: you may find, if you are satisfied on my evidence that he was under the influence of this drug at the time, either that he was so much under the influence of it that he did not know what he was doing, or did not know that what he was doing was wrong, in which case a correct verdict would be guilty, but insane, or, alternatively, that although he knew he was doing the deed, and knew what he was doing, he was so confused in mind, as the result of the operation of this drug and its after effects, that he did not form the intent either to kill or to do grievous bodily harm, but the intent merely to prevent the trip to Bridport. That is all I wish to say.

## Evidence for the Accused Stoner.

GEORGE STONER, examined by Mr. CASSWELL—I am the father of the accused, and I live at 104 Redhill Drive, Bournemouth. I am a bricklayer. My son was born on 19th November, 1916. At that time I was in the army, in the Machine Gun Corps. The accused was my only son. I have no other children. He did not walk until he was three years old. He was always backward as a boy. He did not seem to be very brilliant in mind at lessons, or anything like that. He was very, very backward. He had very little schooling, I am afraid, because we had to go about so much from one place to the other. In my business we have to go from one part of the country to the other, and, of course, he was with us, and it interrupted his schooling. I should say he could not have had much more than two or three, or three or four years' schooling altogether—something like that. I believe he was in standard V when he left, but I am not quite sure on that point. He was just about fourteen when he left school. He was always a sort of weak boy at one time, until he left school. He began to

# Evidence for the Accused Stoner.

George Stoner

improve about that time, probably because he was not forced to go to work. I believe he had fainting fits, but I have never seen him in one myself. I was affected in that way very much as a boy; I used to have fainting fits frequently. He had an excellent character, and I never had any trouble with him. One could not wish for a better boy. He had just a few friends round about, not very many. He was not a boy to go out at all; he was rather keen on staying in—rather reserved, I mean. If he had friends he would have them rather younger than himself, and he was a champion boy for those boys, because if they were oppressed at all he would help them out. That was his character right up until unfortunately he went to work. I noticed a difference in his appearance after he went to the Rattenburys. He was a little while with a motor firm before he went to the Rattenburys, but this was really his first time out. My wife and I spoke about the difference in his appearance and demeanour frequently. He became pale. I put it down to the fact that perhaps he might have been indoors too much, but after looking at him as he lay in the chair sometimes (he went to sleep), we used to say that he was sunken in the eyes and rather drawn. I noticed that on more than one occasion.

It has been suggested by some witness that your son said he found cocaine in your house, and that that first started him. Have you ever had cocaine yourself?—No, never.

As far as you know, has there ever been any in your house?—There has been no cocaine, or morphia, or any drug of any description, in my house.

Cross-examined by Mr. CROOM-JOHNSON—You said the boy got to look very pale. Can you say you noticed any particular time when that commenced?—Towards the latter part of November and the beginning of December I noticed he was getting pale, but I first noticed his drawn appearance about Christmas.

You did not know that this boy of eighteen was living on terms of sexual intimacy with a woman twice his age?—He would not have remained there if I had known it.

Did he go to the Winton Council school?—Yes.

And, later on, to the Moor Down Council school?—That is correct.

Where are those two schools situated?—I should think somewhere about three-quarters of a mile away from our house.

After he left school, did he work with you for some time?—Yes.

Did he work quite satisfactorily?—Yes, he worked very well indeed.

Did he work intelligently?—Yes, as a boy.

Was he a good boy at his work?—Yes, he was a very good boy.

Then, with the exception of the quite short time you have told us about when he was with a motor firm, in September, 1934, he

# Rattenbury and Stoner.

Olive M. Stoner

went to this situation as chauffeur-handyman with the late Mr. Rattenbury?—That is correct.

OLIVE MATILDA STONER, examined by Mr. CASSWELL—I am the wife of the last witness and the mother of the accused George Percy Stoner. I saw my son on Sunday, 24th March, in the afternoon. I was lying down when he came in. I think it would be somewhere about three or soon after. I do not know how long he stayed. I should say it was just before half-past four when he left.

Was he talking to you during that time?—Well, a little. I cannot remember what he said.

Did you notice anything peculiar about him?—No, nothing more than he usually is when he comes in.

Mr. CROOM-JOHNSON—I have no questions.

Dr. LIONEL ALEX. WEATHERLY, examined by Mr. CASSWELL—I am a Doctor of Medicine of Aberdeen, a member of the Royal College of Surgeons, and I have other qualifications. I was the President of the Society of Mental and Nervous Diseases, and was the President of the section of Psychology and Neurology at the annual meeting of the British Medical Association in 1934. I have had sixty-two years' experience as a medical man. During that time I was for some years proprietor and residential licensee of the Vailbrook House Private Mental Hospital at Bath. I have had three cases of cocaineism under my care, and several cases of other drugs. My experience of mental disease is that I have lived among mental cases practically all my medical life. I have specialised in that particular branch of medicine. I have done no general practice since 1886. I am still in practice. I had an interview with the accused Stoner at Dorchester Prison on 8th April. At that time I had had the opportunity of reading the statements which he had made to the police and the depositions which had been made at the Police Court. When I interviewed Stoner, I noticed certain physical symptoms. One physical symptom which I hardly expected to find so long after the last dose of cocaine was a very definite dilatation of both of his pupils. I tested them with the ordinary normal light and also with electric light, with the result that the pupils did not react at all to either normal light or to electric light. That is undoubtedly consistent with the taking of cocaine, and it is a very important symptom. It is due to a definite cause. I examined him with a view to finding out whether he was what can be called mentally deficient, and the result of my examination was that he was not mentally deficient, but he was backward because his education had been interrupted. As regards his physical condition, the boy was anæmic and had a poor circulation. I came to a very definite conclusion that he was a cocaine addict. I could only form a

# Evidence for the Accused Stoner.

Dr Lionel A. Weatherly

conclusion as to how long he had been an addict from what he told me himself. I did not discover any physical symptoms except the dilated pupils. I asked him to describe any sensations he had. As a result, I discovered first of all that he described to me very fairly, feasibly, and accurately the effect of cocaine, which lasted some hours. The description he gave me tallied with my own experience. He described to me a special hallucination, the hallucination of touch. He described it in a way that I have never heard that hallucination described before, but it was very pathognomonic. He described it as a rash under his skin, and he added to that, "The rash seems to move about." That is a definite hallucination of cocaine. How long a person would have to be an addict before that hallucination appeared would, I think, depend to a large extent upon the constitution of the patient and the amount of drug he was taking, and the frequency with which he took it. Supposing a man were to take it in fairly large doses about once a week, I should think it would take two or three months at the outside. When I say outside I mean the least. Other hallucinations may occur, and often do occur, as the result of addiction to cocaine, such as hallucinations of hearing and hallucinations of sight. I had a case under my care of a doctor who took cocaine. He had no hallucination of touch, but he had the most horrible hallucination of sight; he saw insects crawling over his clothes, over his bed-clothes, and it kept him in a terrible state of agitation. That is also one of the results of delirium tremens, the result of drink, but there was no delirium in his case, and that lasted for some time, because one had to leave off the cocaine in his case very gradually. He had taken very big doses. As regards the effect of cocaine, I think I might put it in this way, that the effect of the cocaine at the time, and for some few hours afterwards, is, first of all, an exalting effect, the effect of exaltation and well-being, and as that passes off comes a feeling of great mental irritability. The duration of that varies very much. The influence of a dose of cocaine may last for some hours. I should think the effect of a drug upon a man's reason and judgment would be a very weakening one. By that I mean I think it is quite possible that a cocaine addict in the period when he is in a condition of great irritability of temper, or of jealousy, might have his reasoning processes almost entirely inhibited. The effect of cocaine on the emotions is very much allied, according to the latest authority on cocaineism, to the effect that chronic alcoholism has. The authority I am referring to is Dr. Meyer, a professor of Zurich. When I say the result of cocaine is closely allied to that of alcoholism, the result I am referring to is the most insane suspicious jealousy. They look out in every conceivable way for anything that they can prove to their minds as a reason for being jealous. That is the result of my experience of cases of alcoholism. I have had some very serious cases, resulting in murder, from that

# Rattenbury and Stoner.

Dr Lionel A. Weatherly

condition. I understand that Stoner carried a dagger about with him for a time. That is one of the common symptoms of cocaineism. A cocaine drug addict has besides the hallucinations of which I have spoken very definite delusions of persecution, and they often carry weapons about with them either to protect themselves or otherwise. I have followed the evidence which has been given in this case. I heard the evidence given by Mrs. Rattenbury of the occurrences from 4.30 onwards in the Villa Madeira. Her description of what Stoner did on that occasion, his sudden threat to her with a revolver, and his sudden turn of violence and threats when she was telephoning, are consistent with his having taken a dose of cocaine that afternoon.

By Mr. JUSTICE HUMPHREYS—Are they also consistent with his not having taken a dose of cocaine, but being very angry and very jealous of his mistress?—I doubt it.

*Examination continued*—We have heard from Mrs. Rattenbury that he accused her of having connexion with her husband when the door was closed, although the young son John was there in the afternoon?—I consider that entirely a hallucination of hearing, arising out of cocaineism, and this insane and unreasonable jealousy.

You have heard that the blow struck in this case was struck by that big mallet, and you have heard the other evidence about where the mallet was put. Is that consistent or not with the effects of a dose of cocaine?—

Mr. JUSTICE HUMPHREYS—What on earth does that question mean? I do not know.

The WITNESS—I think any assault would be consistent with the after effects of cocaine if those effects had created an abnormal, and unreasonable, and insane jealousy. I heard Dr. Grierson say that this lad told him he had taken what he described as two eggspoonfuls of cocaine between bread at 4.30 that afternoon.

*Examination continued*—It has been suggested that two eggspoonfuls of cocaine would have killed the lad. What do you say to that?—Oh yes, but cocaine as sold is so very grossly adulterated.

If he had taken a large dose of cocaine at 4.30, would the passion he showed—this hallucination which you described at half-past four—be consistent with the taking of that dose?—Quite consistent.

Would he be still under the direct effects of cocaine poisoning?—Yes.

We have been told that after he had taken up the tea, which was some time after half-past four, he accused Mrs. Rattenbury of having had connexion, and said he had heard it going on in

# Evidence for the Accused Stoner.

Dr Lionel A. Weatherly

that room. If that was a hallucination, as she says, would that be consistent with the taking of a dose at half-past four?—Quite.

After the excitability induced by a dose of cocaine, is it quite usual for a person to go into a comatose state?—I do not say it is usual, but it has happened.

We have heard that Stoner at, I think, 2.30 in the morning was found asleep in the car outside the Strathallen Nursing Home?—I am not certain whether Stoner had not taken alcohol before he was asleep in the car.

Mr. JUSTICE HUMPHREYS—There is no evidence of it.

Mr. CASSWELL—No, there is no evidence of that.

By Mr. JUSTICE HUMPHREYS—If you found a chauffeur going to sleep when he has been kept up to half-past two in the morning waiting for his employer?—I do not think that was the result of cocaine.

*Examination continued*—Are there any other conditions which, according to you, lead you to believe that Stoner had taken cocaine that day, as he says?—I do not think anything more than I have already said.

Mr. O'CONNOR—I have no questions.

Cross-examined by Mr. CROOM-JOHNSON—Have you known people get very, very jealous who were not drug addicts and not suffering from acute alcoholism?—I have only had my experience that I have told you of of cases of definite cocaine addictism. I told you of one case with the hallucination of sight. May I tell you of another case that I have had?

By Mr. JUSTICE HUMPHREYS—No, try and answer the question. I am sure you can answer it. Do you know, after sixty-two years as a medical man, that some people get very jealous without cocaine or drink having anything to do with it?—Of course.

*Cross-examination continued* by Mr. CROOM-JOHNSON—So far as pupils reacting or failing to react are concerned, is that quite a common symptom of many things besides what you call cocaineism?—I do not think so.

Have you given evidence in cases which have had to do with neurasthenia?—I have given evidence in all sorts of cases in all sorts of diseases.

Let me put my question in a perfectly plain form. Is not one of the symptoms of great nerve shock that the pupils fail to react to light?—Not in my experience.

Are there any other things besides cocaineism of which a symptom



# Rattenbury and Stoner.

Dr Lionel A. Weatherly

is the failure of the pupils to react to light?—Yes, people who have been taking atropine, belladonna or hyoscine.

Or alcohol?—I do not think I would expect to find it in alcoholism. I think I would expect to find a contracted pupil.

Take cases of concussion, are they not also instances where you might expect the pupils failing to react to light?—Of course, there are various diseases in which you may get a dilatation of the pupils. There are various diseases in which you get an inability to react to light, and also where you get a contracted pupil.

Take people who are suffering from anæmia?—Yes.

What is commonly called very run down. Do you sometimes find that their pupils fail to react to light?—Yes.

Take permanent dilatation, do you find that is a symptom of many things besides cocaineism?—If they are taking belladonna, atropine or hyoscine they would have dilatation of the eyes.

Or other things than drug taking?—You might get it, but the reaction to light was most important. There was no reaction to light. May I explain myself a little more?

Yes?—The muscles of the eye which contract and dilate the pupil are of two kinds. There are the muscles that contract the pupil belonging to the cerebral-spinal system, which are governed by the third nerve, but the muscles which dilate the pupil are governed by the ganglionic or sympathetic nervous system, and it is the sympathetic or ganglionic nervous system that a drug like cocaine would have the most serious effect on.

Would you expect a dose of cocaine to make the person who had taken it curse and swear?—They get very irritable at times.

But do they get irritable when they are deprived of their drug?—It is a very curious thing with regard to cocaine, which differentiates it from other drugs, that the influence of cocaine, with one or two exceptions, may pass off very quickly and nothing objectionable be noticed about the patient. It is quite a different thing after drugs like morphia or heroin which last a considerable time. It is noticed commonly by all the authorities that the influence of cocaine passes off very quickly.

Is the reason why people take it because the dose is quickly followed by a feeling of well-being?—That is so.

During which period the patient feels more active mentally?—Certainly.

And the increased mental activity is real?—Yes.

During that time is the drug addict frequently garrulous in conversation?—He may be.

And witty?—I do not know that.

Inclined, if he writes, to write a great deal?—It may be.

Is the effect of the drug really extremely pleasant for the short time that it is endured?—Yes.

After that it is extremely difficult to cure a drug addict suffer-

# Evidence for the Accused Stoner.

Dr Lionel A. Weatherly

ing from cocaine poisoning?—I do not think it is difficult if you take them at an early time. Of course, he had not been taking cocaine very long.

Please do not tell us that. We shall hear that, I assume, from somebody who really knows. Is it frequently necessary for a person who is a real cocaine addict that he should continue to receive doses of cocaine, but decreasing doses with less and less frequency?—Not always.

Not always, but generally?—I do not know.

Is this the rule, that with a person who has got to the point of being able to take large doses, it is extremely dangerous to cut them off altogether and at once?—If they have been taking large doses. The case I mentioned just now was taking a matter of twenty grains a day.

Would you expect with complete abstinence suddenly to find severe gastric disturbances?—I should think he would probably not sleep well.

Almost complete lack of sleep?—No, not almost.

Very great insomnia?—I believe I am not allowed to tell what Stoner said about his sleep.

Would you mind answering my question? Would you expect the drug addict suddenly cut off from cocaine to suffer from loss of sleep?—A certain loss of sleep.

Loss of appetite?—No, not necessarily.

In the normal case would you expect to find those symptoms present?—I think the general rule is, whatever the condition of a person is, as a rule, he gains weight soon after he gets to prison. That has been my experience.

In your experience is cocaine an expensive drug?—I have heard it has been hawked about among country houses and sold in small doses for the little sum of 3s. 6d.

We are not dealing with country houses in this case. As a rule, it is an expensive drug?—The illicit seller naturally tries to get the most he can.

In the form in which it is usually sold, is it usually mixed with other substances of about the same colour and quality?—As a rule.

Re-examined by Mr. CASSWELL—You said the influence of cocaine passes off quickly?—Yes. What I meant by that was only after a few hours, but certainly after twenty-four hours or thirty hours the cocaine symptoms may absolutely pass off, except the one symptom I mentioned of the dilatation of the pupils, and that varies very much in the length of its existence.

Supposing somebody who was a layman like myself was looking at a cocaine addict, would he be likely to notice any definite symptoms about him?—Not at all. You would not notice anything. That is laid down by all the authorities.

# Rattenbury and Stoner.

Dr Lionel A. Weatherly

It has been suggested to you that this marked dilatation of the pupils may be due to other causes. Did you make an examination to see whether there were those other causes or diseases present?—I could find no other causes for that excepting it was the cocaine.

What other causes or diseases causing dilatation did you look for?—I wanted to know naturally if there had been anything wrong with his sight, if he had had atropine put in his eyes, or anything. There was nothing of the sort.

It was suggested, I think, that concussion would lead to dilatation. Was there any sign of concussion, or any evidence of it?—No.

Was there any evidence that he had recently taken alcohol in prison?—No.

Was there any evidence that he had taken atropine or belladonna?—No.

Was there any evidence that he was in a state of neurasthenia?—I have got a very definite understanding what neurasthenia is, and I never deviate from it. I consider neurasthenia as being a condition where the fatigue point, whether mental or physical, is very quickly reached. That is my definition of neurasthenia. Neurasthenia is a word which is used very foolishly and very recklessly.

It was used, I think, neither recklessly nor foolishly by Mr. Croom-Johnson, and he suggested that something which he called neurasthenia would cause dilatation of the pupils?—No.

Mrs. LOUISE MAUD PRICE, examined by Mr. CASSWELL—I live at 41 Victoria Avenue, Winton, Bournemouth. I am the owner of the Villa Madeira. I know the accused Stoner. I have seen him on several occasions. I keep a tobacconist's shop. He has from time to time come into my shop to make purchases. I remember an occasion when he came to the shop when I noticed something peculiar about him. I should think it would be in February. I noticed that he was very pale and looking very sleepy. I should think it was in the evening or round about tea time when I saw him, but I am not quite certain.

Did you specially notice that then? Did it seem exceptional to you?—It did, indeed.

Mr. O'CONNOR—I have no questions.

Dr. ROBERT DICK GILLESPIE, examined by Mr. CASSWELL—I reside at 16 Chester Terrace, Regents Park, London. I am a Doctor of Medicine of Glasgow University, a Fellow of the Royal College of Physicians, and I hold the diploma of Psychological Medicine. I am a physician for psycho-medicine at Guy's Hospital, London, and I also hold other appointments. My principal pro-

# Evidence for the Accused Stoner.

Dr Robert D. Gillespie

Professional activity is the study of functional and nervous and mental diseases.

In the course of that practice of yours have you come across cocaine addicts?—I have come across a few.

By Mr. JUSTICE HUMPHREYS—You mean you have treated them as patients when you say you have come across them?—Yes.

*Examination continued*—In your experience, are cocaine addicts frequent? Are there many of them, or few, in England?—There are few in England, so far as doctors know, but there may be many who do not consult doctors.

Is it easy to discover whether a person is a cocaine addict or not?—I usually find it extremely difficult.

I want you to tell us what symptoms you look for in a cocaine addict?—One looks for inexplicable oscillations of mood, that is to say, at one time they are elated and at another time depressed without ascertainable reason, and with the elation there goes a mental and physical activity which is quite different from the lethargy and tiredness and depression of other times, and later on as the addiction persists it begins to have more profound physical and mental effects. Sleep and appetite are interfered with so that they lose weight. They become pale and emaciated, ultimately, and mental symptoms are also more likely to appear than with a more healthy mind in the direction of hallucinations, morbid jealousy, and impulsive acts.

Is that your experience?—It is more or less. I do not mean that I have myself encountered every individual one of those symptoms.

Who is the leading authority, in your opinion, upon cocaineism?—So far as I know, the leading European authority is Professor Meyer, of Zurich.

Is he personally known to you?—Yes.

I want you to describe, if you can, the effects of cocaine on somebody who has taken doses before—not the effect of a first dose, but the effect on a patient who has taken doses before?—The effects that I have already described, namely, a transient sense of well-being, with increased mental and physical activity, lasting up to about, as far as the sense of well-being is concerned, two hours. Naturally it depends to some extent on the amount of the drug that has been taken.

By Mr. JUSTICE HUMPHREYS—You were asked to give the effect of a dose on a person who is already accustomed to it. You gave the first effect. I suppose there is some other effect. It does not pass away completely, does it?—No.

I thought the learned counsel was cutting you rather short. You said, "At the end of two hours"—?—There sets in a period

# Rattenbury and Stoner:

Dr Robert D. Gillespie

of depression and morbid irritability, with lack of appetite and very often a difficulty in sleeping.

*Examination continued*—Does the physical and mental state of the person taking it have any result on the effect of taking it? Perhaps I have not put that well. Are some people more predisposed than others to be affected?—Yes, they are. If they are what is called psychopathic, that is of an unstable disposition, the drug is likely to have considerably more effect.

You had the opportunity, I think, of interviewing the accused Stoner in Brixton Prison last Saturday afternoon?—Yes, I did.

Can you tell us anything which you noticed about him?—I understand I am precluded from saying anything about his previous disposition.

You are entitled, I think, to give us any symptoms which he described?—At that time he was very tense and anxious, but I do not think it is relevant.

That is what you would expect, I suppose?—Yes.

You have heard in evidence that he was the sort of boy who kept to himself and had few friends?—That is the kind of thing which I was referring to when I mentioned a morbid disposition. It is one of the most common characteristics of those who ultimately develop nervous and mental illness.

You do not, of course, suggest that he has developed that now?—No, I do not.

Do you think that a person of that mental make-up would be likely to fall more quickly to the addiction of cocaine?—That would be in accordance with the general experience of addiction in general, and Meyer particularly emphasises it in his book.

We have heard the hallucination of touch referred to from time to time as the cocaine bug. Are you acquainted with that?—I have met it in literature, but not in my particular patients.

Where is that hallucination found?—With someone who has had previous doses of the drug, and has been taking it for some time. Just what the time limit would be I am not in a position to say.

By Mr. JUSTICE HUMPHREYS—Is that what you call an addict?—It depends on how one defines "addiction."

That is exactly what I have been wondering. A great many people talk about an addict and say an addict does this and that. I should like to know from you, as an expert in these matters, what you understand by a cocaine addict?—If I may attempt to define addiction in general, I should say that it was the repeated taking of a drug in excess of medical requirements.

We may take it we are talking of cocaine now?—Very well, it is the repeated taking of cocaine in excess of any medical requirements for the purpose of the pleasurable effects produced by it, or for the purpose, secondly, of avoiding the unpleasant effects of

# Evidence for the Accused Stoner.

Dr Robert D. Gillespie

being deprived of it, and, finally, this repeated taking is one which it is difficult to stop without external help.

Then by an addict you merely mean a person who is repeatedly taking cocaine?—With those qualifications.

We are not dealing with a person who has had it prescribed by a doctor, of course. Have you any particular dose in mind?—The dosage can vary very much. There have been cases on record that have taken up to 150 grains a day, but that, of course, is most exceptional.

Is a person an addict, in your view, whether he has been in the habit of taking frequent doses, however small doses, or very large doses?—It depends entirely what he is taking them for.

We are assuming that he is taking them for some other than medical reasons?—Yes, I would say he was an addict.

Then it does not matter whether the dose was large or small, he would be an addict?—

*Examination continued*—What is the effect of cocaine on the sexual male?—In the male it produces very definite morbid jealousy, rather akin to the morbid jealousy of alcoholism, which, for example, is described by another authority in this country, the late Dr. Sullivan.

Supposing a person to be under the domination of that morbid jealousy, is he likely to misinterpret what goes on around him?—Extremely likely.

By Mr. JUSTICE HUMPHREYS—Is not that true of all jealousy?—Yes, but I should have thought it was more likely to happen with a diseased jealousy.

Have you ever read the play of Othello?—I have, a long time ago.

*Examination continued*—After a dose has been taken, and supposing that he has had this morbid jealousy founded on hallucination, what is the next stage?—There is a danger then of acts of violence occurring against the person who is suspected of treachery—I beg pardon, against the object of jealousy.

Would that drug at that stage still be having an effect upon the patient's mind?—The jealousy, in my opinion, will not disappear with the passing off of the stimulant effect for the first hour or two; it is likely to remain for some time afterwards.

Is the drug still taking effect even after the elation has disappeared?—As far as one can tell, certainly the patient is suffering from symptoms.

You have spoken of acts of violence being committed. Do you think when those acts of violence are being committed the mind is clear and capable of forming an intent?—Consciousness is often clear—that is from the medical point of view—but it is very

# Rattenbury and Stoner.

Dr Robert D. Gillespie

different from being able to come to a balance of judgment, being able to weigh the pros and cons of a situation.

Is a person at the moment of that act of violence likely to think much of the consequences, do you think?—I should think not.

By Mr. JUSTICE HUMPHREYS—Can you answer that?—Perhaps I ought to put it this way and say that he would be less likely to think of the consequences than a person who was not under the influence of cocaine.

Cross-examined by Mr. CROOM-JOHNSON—Unfortunately, a great number of people in this world do not think beforehand of the consequences of their acts. Do you agree?—I agree.

Perfectly healthy people?—Yes.

And perfectly normal people?—It depends on how you use the word "normal," but I suppose in ordinary language it would be so.

You were asked a moment or two ago what effect the taking of cocaine had on the sexual life, as I understood the question, of the patient. Does it have any effect on the sexual power? Is one of the effects of taking cocaine in the male that it very speedily produces impotence?—Yes.

Tell me something from rather a different point of view. Is regular sexual intercourse with a member of the opposite sex by a boy of about eighteen onwards likely to do him good or harm?—I should think that is a very difficult question to answer. I should not say that it did him good, if you are thinking of it from the moral point of view.

No, I am not talking from the moral point of view, I am talking to you as a doctor. Is it likely to cause him to look pale?—I should not think that necessarily it would.

Would you think it likely?—It depends on the frequency with which it occurred.

Frequently, is my question?—It depends on what you mean by frequently.

Do you think one would be likely to look sleepy, or have the appearance—

By Mr. JUSTICE HUMPHREYS—I think you might take it in this way. To speak quite plainly, the learned counsel means as frequently as the nature of the woman would permit?—In that case, unless he was very worried about it, I should think it might not have any physical effect, but it would obviously depend upon the constitution.

*Cross-examination continued* by Mr. CROOM-JOHNSON—Do you think it would be likely to be good for the constitution of a boy of eighteen? Just think what you are saying, doctor?—I am not

# Evidence for the Accused Stoner.

Dr Robert D. Gillespie

saying that it is good for his constitution, but I am saying that if it were occurring with such frequency as my lord has said, namely, such as nature would permit, it would not necessarily show effects in his external appearance.

Is it likely to induce fatigue?—Again the answer is similar to what I have just made.

Take the ordinary case, the ordinary boy, not somebody very strong, talking about the ordinary English youth of eighteen, do you really find yourself in any difficulty in answering the question?—I find difficulty in answering the question as I believe you expect it to be answered. It is just from my experience.

As a medical man, do you think it is likely to induce fatigue?—It depends on whether the capacity of nature is exceeded or not.

Does it make any difference if the person with whom he was having intercourse was a person of greater age, a woman of twice his age? Would that make any difference, in your opinion?—Not of itself.

If people describe him as looking very sleepy, and being pale, and that previously, before he had got into this particular employment, he was a healthy boy with a good colour because he had lived in the open air, would you draw any inference from that as to whether this coition was good for him or bad for him physically?—I should want to know whether he was up very late at nights or not, because that alone would make him look sleepy and pale, if it happened often enough.

Is it possible that a boy who had lived that life may exhibit signs of fatigue and paleness?—Yes.

Is it a probability?—I would put it this way rather, that it was quite possible.

Is it probable?—Yes, it might be probable.

You understand the expression neurasthenia which was used a moment ago?—I do not know that I understand it in your sense, but I shall interpret it as well as I can.

Nervous exhaustion?—Very well.

Do people who suffer from nervous exhaustion exhibit a number of symptoms which doctors seek to eliminate in making a diagnosis? If you suspect that it is nervous exhaustion, are there a number of symptoms which you would look for?—Yes.

Just describe what you would look for?—The symptoms are practically entirely subjective. Neurasthenia is notorious for the absence of any physical signs whatever, except very small things like lack of appetite, but, again, that is a subjective symptom. Perhaps I should explain it by saying what I mean is, if you examine them by the ordinary methods, such as examining their pupils, and so on, you will not find the signs which one associates with organic disease of the nervous system.

By Mr. JUSTICE HUMPHREYS—You mentioned the pupils. What



# Rattenbury and Stoner.

Dr Robert D. Gillespie

makes you think of looking at the pupils of a case of suspected nervous exhaustion?—To eliminate the possibility that the brain is organically affected.

*Cross-examination continued* by Mr. CROOM-JOHNSON—After neurasthenia or excessive fatigue has lasted for some time, do you find that the condition of the patient is apt to degenerate; the patient gets thin?—That could happen.

And anæmic?—Not anæmic—not from neurasthenia. He may look pale, if that is what you mean.

That is what I really did mean. As regards your few cases, in all of them were they cocaine addicts?—Few cases of what?

I understood you to say you had had a few cases of cocainism?—Yes, I meant cocaine addicts.

Had you been called in to treat them?—I had.

Were you able in any of the cases to cut off the drug at once?—Yes.

Wholly?—Yes. When I say at once, I ultimately succeeded in one or two cases in cutting it off suddenly. That is not the same as at once. It sometimes took me some weeks to find the source of supply.

It is rather a ticklish business, is it not?—It can be.

And it can be a very ticklish thing to cut off the supply straight away?—It can be. It depends on how much has been taken, and the frequency of the doses.

By Mr. JUSTICE HUMPHREYS—In those cases did you give something else?—I did.

What?—One of the other drugs that we fall back on to quieten the nervous system.

Bromide?—Yes, bromide, aspirin, &c.

*Cross-examination continued* by Mr. CROOM-JOHNSON—Is there any instance in your experience in which, having cut off your patient from cocaine at once, altogether, you have given no drug—I will not say in substitution, but for the purpose of treating that patient?—No. I have always given something, but I am precluded in this case, as all doctors in practice are, that we are not allowed the complete control over these people, we cannot put them in prison, we have to get them in nursing homes tentatively, and therefore we have to give them other drugs to substitute.

And one of the methods of treatment is to give them bromide, or something of that sort?—Yes.

Is the sudden withdrawal likely to lead to delirium?—It may.

With hallucinations of the most horrible kind?—Yes, that can happen.

Would you expect to find loss of sleep in the patient unless you prescribed some sedative?—I would usually.

# Evidence for the Accused Stoner.

Dr Robert D. Gillespie

Would you expect to find loss of weight unless you prescribed some sedative?—It would depend on how much food one got into the patient. They might begin to gain weight from having been made to take food for the first time properly for many weeks.

Would you expect to find loss of appetite?—Yes.

A disinclination for food?—Yes.

Gastric trouble?—Yes.

Extreme restlessness?—That can happen, yes. I should like——

If you want to add something, by all means do so?—Where a considerable psychic mental shock intervenes which causes the supply to stop, many of these effects might be neutralised. I have seen that happen, for example, in the case of chronic alcoholism.

Are you suggesting that you would not expect to find them present at all because of the shock?—No. I should expect to find symptoms of a mental or nervous kind of some sort.

Re-examined by Mr. CASSWELL—In your experience, has somebody who has been cut off from cocaine and been unable to get it any more gone for alcohol?—Yes.

Is that usual?—That is quite common.

By Mr. JUSTICE HUMPHREYS—Do you know in your experience any such case as this: a cocaine addict suddenly cut off from any supply, given no drug of any sort or kind to take the place of cocaine, and from the day that the supply is cut off, for a period of two months, has been a person who can properly be described as this way: throughout rational, sleeping well, taking his food well, and been perfectly healthy?—I should be surprised, except on this one condition, that the doses had a considerable space between each of them. Then I should not be quite so surprised.

By a JUROR—For how long after a dose of cocaine would this distension of the pupils continue?—Quantities of cocaine have been found in the pupils as long as twenty-one hours after the drug has been taken, but how long still after that it might in certain cases be observable, I do not know.

## Closing Speech on Behalf of the Prisoner Stoner.

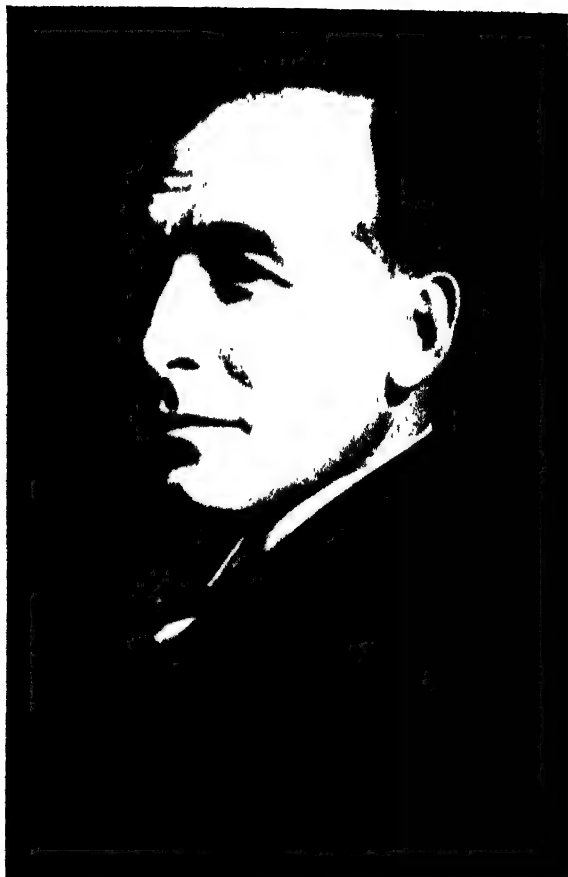
Mr. CASSWELL—May it please your lordship. Members of the jury, you have now heard the evidence against and for the defendant Stoner. I think I have made it clear that he does not deny that it was his hand that struck the blows. What he does deny is that his mind was in such a state at that time that he was responsible for striking those blows. That is the question which I wish to discuss at no great length with you to-day. I

# Rattenbury and Stoner.

Mr Casswell

am not going to try to persuade you against your will. I simply want to talk to you as business men and women. Is it not clear that what I have proved before you shows that this cannot have been the act of a sane boy? Is it not clear that the taking of drugs, a fact spoken to by other witnesses as well as the witnesses for the defence, an issue raised as soon as these proceedings were commenced, is the true answer to the question which you have to decide? When one is dealing with the question of intent, it is a fact which you, as a jury, are called upon to find: aye or no, did this boy have the requisite intent to commit this terrible crime, or did he have some sort of an intent merely to do something very different? It is his mind which you have to inquire into, and it is very difficult because none of us can get into a man's mind and see what was there. Few of us are sufficiently skilled in language to describe, perhaps, our own intent or our own state of mind, especially at such a time as we are dealing with, when we were under the influence of a drug. You have heard what has been said here, the evidence which was volunteered by one of the medical men for the prosecution, as to what was the result of this shot of morphia. With a woman, he says, it would last longer than cocaine, but in that case the evidence of the prison doctor is that the influence of morphia lasted for four days. The evidence of Dr. Rooke is that under that drug he has known people act perfectly normally, speak perfectly normally, and yet suffer afterwards from an entire fading of memory, which means, of course, that while speaking those words they were acting automatically, their reason was not behind them; it was automatically speaking. There was no real sanity for which the person speaking those words was responsible.

How are we to find out what was the state of Stoner's mind on that day, the all-important day, and how are we to find out what were the motives that actuated him when he did this act? In my submission to you, it could help you very little indeed to have Stoner in the box. Since the year 1898 the defendant is entitled to go into the box if he wishes, but in my submission that would not have helped you at all. He was under the influence of a drug at the time and what he could say and what he would know now would be of little assistance to you. Moreover, he is a man with a shadow over him. He stands there in the terrible position of a man accused of the gravest crime in our calendar. So the evidence I have put before you and the evidence which I wish to recall to you as shortly as possible is the evidence that one can get from other people. You want to know the history of the man. You want to know all you can about the things which bear on the matter, and especially things which happened before the 24th March, before anybody heard of the crime, before any crime had been contemplated, so that you may have what is the best possible evidence. It is evidence uninfluenced by



*[Howard Coster*

**Mr. J. D. Casswell**

## Closing Speech on behalf of Stoner.

Mr Casswell

emotionalism, evidence uninfluenced by anybody wishing to pervert what really happened. When you have looked at that, I shall ask you to say that this crime is, in my submission, almost inexplicable in a young Englishman—you might perhaps expect it in a sadist, a man who killed for the joy of killing, a man killer—you might expect it in a man of hot blood and of a Latin race, urged on perhaps by jealousy or some kindred emotion, but is it the sort of thing that one expects in a lad of seventeen or eighteen and an English lad? I want you to ask yourselves that. If you come to the conclusion that it is not the sort of thing one expects, then we must look for a reason. Was there any reason which made this lad do something which was so inconsistent with all that we have heard of him before, so inconsistent with his nature? It is a very, very cruel act which the prosecution are asking you to say he committed deliberately, a very dreadful act. An old man apparently asleep is hit on the side of his head with a heavy mallet and with no sort of urging motive of theft, no motive of revenge, no evidence telling of previous quarrelling or of dislike. The evidence before you is that they got on extremely well together. I am perfectly certain that before you are going to accept the suggestion of the Prosecution that you are going to look into it very, very carefully indeed to see whether any reason has been given as to why this inoffensive, straightforward, honest English boy committed so terrible a crime.

May I just remind you of a few things? I touched lightly upon the question of motive and upon the clumsy incidents of this crime when I addressed you before. I know you will forgive me if I retrace my steps a bit, but the responsibility upon me is so great that I feel I must leave nothing unsaid, and if there is anything which I have left unsaid I do ask you most earnestly not to think it is because I have deliberately disregarded it. With regard to the question of motive there is no necessity for the prosecution to prove motive, but for a jury it is very often a very important thing. If you heard that a friend of yours who had led an excellent life and held a wonderful character was suddenly accused of a crime like this you would say, "Why, there must have been some very strong reason if he was sane to make him do a thing like that." Therefore, from the jury's point of view, I sometimes think that motive is perhaps the most important element of all. What could be the motive in this case? The motive suggested by the prosecution is this—it was put very forcibly by my learned friend and very fairly as he always does—"they wanted to get him out of the way." Whose way was he in? Here was a lad who probably had to look at every sixpence before this first job of his; there was nothing to keep him from what has been termed an adulterous intercourse; everything was ready for him, everything was there. There was no Mr. Rattenbury standing in the way. As far as we know, Mr. Rattenbury knew about it as

## Rattenbury and Stoner.

Mr Casswell

Mrs. Rattenbury said, and did not care, or else he was in entire ignorance, and there is no evidence at all before you that here was a man in the way whom somebody wanted to get out of the way. Why should they need to get him out of the way? In order to live together? As I have pointed out to you already, any sane persons who wanted to get somebody out of the way in order to enjoy life and possess his money would at any rate take some proper precaution to see that he was put out of the way in some fashion which would not at once fix the guilt on one or other of them. I ask you to disregard that as a motive altogether. What other motive was there? There was no trace of quarrelling and no trace of ill-feeling between these two people. There was, of course, no sign of theft. In my submission the only motive that can be assigned here is a motive which was entirely insufficient for this crime. It was simply the motive to prevent the trip to Bridport. I will deal with that a little later. What was the method adopted—we find there was such absence of motive—what was the method? The method, I suppose you would agree, was the clumsiest method that could possibly be devised. No thought for the morrow. There is the hitting over the head of a man with a clumsy instrument like a mallet. There is the fetching of the same mallet from some way away where it is bound to leave a trail. The police were bound to find out who was the owner of the mallet, bound to find out there was no mallet on the premises before, and there over the very fireplace under which the old man died were swords and a pistol with a heavy butt which could be used, and you may be perfectly sure there were other instruments which could be used if it were required to hit that man over the head. Therefore from that point of view it is the clumsiest crime that could possibly be imagined.

Then there was no chance of an alibi—two people in the house and a boy—the man who performed this crime—how on earth was he going to fix responsibility on anybody else? How was he going to come to the Court with evidence to say “I was miles away at the time”? Think of it this way. Was there any idea of escape? There is no evidence of that. Stoner had plenty of means of escape that night, but he never made any preparations and never went. There was apparently no idea of getting away from it. There is, further, this point which seems to show an utter lack of consideration, an utter lack of thought; what other excuse could be made? Could it be suggested that this was a case of suicide? The man was actually on the chair. Even if the head had been placed against the kerb, which you see in that photograph, nobody on earth who considered that injury would accept suicide as an answer. The doctors have told you it could not possibly be suicide, and nobody in his senses could have hoped to get out of it that way. Accident—how could it be accident? If you were going to say that something had been an accident, you would do it in some way

## Closing Speech on behalf of Stoner.

Mr Casswell

with a weapon nearby which the dead man might have used. So you get this clumsy crime committed in this clumsy manner with no chance of alibi, no attempt to escape, no chance of the defence of accident, no chance of a plea that it was suicide. Therefore you have a very exceptional case.

In my submission to you, all of these considerations prove and inevitably prove that this was an act on impulse, the act of somebody who did not plan it beforehand, who made no necessary provision for the future, but acted under an impulse, as I suggest to you an uncontrollable impulse. Do not let me lead you astray. Uncontrollable impulse is not a defence. There was a committee which sat some time ago that recommended that it should be accepted as a defence, but it is not a defence and you must not accept it. One must go further and prove not only an uncontrollable impulse, but in addition an absence of the necessary intent: either that while under that uncontrollable impulse the doer was so confused or diseased in mind as not to understand what he was doing or that what he was doing was wrong or else that he had not sufficient intent to constitute the crime of murder.

Let us consider the history of the lad based entirely on the evidence that you have heard in this Court. It is said that one or other—I invite you to say Stoner—did this, struck those blows, but I think probably you will have no doubt that he struck those blows. It is said that he did this terrible thing. Let us see what sort of lad it is that we have to deal with. Juries in this country are supposed to have terrific memories. You have been here three days already. You are not supplied with notepaper or anything like that; you are supposed to carry it all in your head. So may I remind you of a few things which you may have forgotten? I propose only to deal with matters which have come before you in evidence during the last three days. First and foremost, I ask you to remember the character that was given to this man by Clements, an ex-police officer; not only by the Stevens, who were relatives and may be biased; and by his own parents. They say he was, before he arrived at the Villa Madeira, of excellent character. He was straightforward and honest, he was never any trouble to anybody, he was not the sort of boy who ran about with girls or with gangs of boys and got into trouble that way. He was inoffensive, not pugnacious, not the sort of boy who made attacks on others, but rather the sort of boy who defended others and acted as their champion. You could not have a more exemplary character given to a prisoner than that. That is what we have to start off with. He was not quarrelsome. Apparently he had no known vices such as drink. One would hope that a boy of that age would not drink. We know he was a war-time baby, the son of a man engaged in the Machine Gun Corps and afterwards in the Tank Corps, a boy born in the middle of the war. It may be that

## Rattenbury and Stoner.

Mr Casswell

you will give some consideration to that. We know also that he was the first child and the only child of that marriage. We know that he did not walk until he was three. Perhaps the members of the jury may know whether that is exceptional; it has been put forward as exceptional, a child not walking till he was three—it shows a certain backwardness. We know that he did not have the advantage that most boys have of attending school for five or six years and perhaps more. His education seems to have been about three years. I shall ask you to remember that when we come to consider the way in which he got, as I am going to suggest, under the domination of Mrs. Rattenbury and became infatuated with her. Most of us by nature have strong desires, some stronger than others, and whether we give way to them or not depends very much upon our upbringing and our education, and the amount of braking power which we put upon our desires. Here we have a boy without the advantage of those restraints, a boy who once his natural desires began to well up had perhaps less inhibition as we call it, less chance of fighting against natural desires than we. That was the lad you heard of, a boy, moreover, whose father had had fainting fits, and I think there is some evidence that he had too, a lad not very strong constitutionally. It is that boy who suddenly becomes plunged into a most extraordinary household. I think you will probably come to the conclusion that there could not have been a worse environment for any lad of that age than the one in which he found himself—it would be very difficult to find one. It was a household where the husband and wife were not living together and had not been living together for some time. It was a household where Irene Riggs was employed, and you will have but little doubt, having listened to her evidence, that she became and was jealous of this new helper in the house. It was a household where there was a most extraordinary woman, unbalanced, hysterical and apt to fly into fits of excitement, to send for a doctor, to be given anæsthetics and be put to bed, the very reverse in character to the lad who suddenly found himself in her house, because, to use her own words, in order to get the money she required she said she had lied all through her married life—a most unfortunate atmosphere. I do not want to dwell on this side of the question. I want to make it quite clear that I am not asserting for one moment that this woman had anything to do with what happened at the Villa Madeira on 24th March, but I do say that when the lad found himself in that sort of society it may be that atmosphere which led to the first dose of drugs, and it may be that life which increased the effect of the drugs and weakened his resistance.

We know that he went into that house, I think, on the 24th September last year. That in November we find that he is saying to Mrs. Rattenbury—and I ask you to accept almost in



## Closing Speech on behalf of Stoner.

Mr Casswell

entirety the evidence of Mrs. Rattenbury because I invite you to say that it fits in with the facts as we know them from the evidence of the prosecution—this at least you will say that she has been frank with you in many ways when perhaps it was not necessary for her to be so—I ask you to accept what she says, that in November he told her he had to take something for his head, some medicine to make his head normal, and that afterwards he told her that it was a drug. You may or may not accept it when she says she did not take drugs herself, and that she did not know he took drugs, and did not want him to take drugs, and did not lead him to take drugs. I think you may be quite certain of this, that the drug-taking started in November, or thereabouts. As to this, I trust that I can show you, without any doubt whatever, that he was a cocaine addict from the evidence apart altogether from statements made by him. When we get to November we hear that after two months he is taking something for his head, and we know that in that month Mrs. Rattenbury, and this boy, and the maid, go away hoping to get to Leeds apparently, and they remain at a hotel at Oxford, and we find, shortly after they come back from there, that Stoner and Mrs. Rattenbury are living together. That has been described by counsel for the prosecution as an adulterous intercourse, and no doubt it is. But I would ask you not to let that weigh with you when you are considering the case of this boy: adulterous intercourse no doubt from the point of view of the elder party to it, but not in the case of the boy? I ask you, gentlemen of the jury, to look back, if you can, to the days when you were seventeen or eighteen, and to try and put yourselves in the position of that boy who was a servant in the house, the house of a lady who is well known, a writer of music under the name of Lozanne, a lady who provides him with more money than he ever had before, and finally offers herself to him. Do you think that he stopped to consider: is this an adulterous intercourse? He knew that her husband and she were not living together. She told him no doubt that they were not on terms of love or affection. It would need a lad of strong character, would it not, a lad brought up with regular inhibitions, a lad who had had good early associations with people to tell him what was right, and what was wrong, to resist this? Do you remember, perhaps, the glamour of those days in the late teens—I feel sure that some of you do—the glamour of a woman for a young man? When a woman offers herself to a man who owes his livelihood to her, are you going to stress in any way the question of “adulterous intercourse” between them? I am sure you will come to the conclusion that he never looked at it from that point of view. You will not take that into consideration as against him. The boy is taken in there to live as a member of the household, and given a bedroom

## Rattenbury and Stoner.

Mr Casswell

almost next door to that of Mrs. Rattenbury. Now we come to Christmas, and Mrs. Price—no, it was February when she saw him—he came into the shop and there was something peculiar about him, and it is suggested that that peculiarity was due to his familiarity with Mrs. Rattenbury. It may be, but I ask you to say that it was not, but that it was simply one more symptom of this cocaine addiction to which he had fallen a victim.

Then you get the evidence of the Stevens. They say they noticed, after he had gone to the Villa Madeira, a paleness, a strained look about him. I ask you to say that is more evidence that this lad was taking cocaine. But, stronger still, you get the evidence of what happened with Dr. O'Donnell, about 12th February I think it was. By that time not only was the lad taking some drug, but he was getting violent, and Mrs. Rattenbury was getting frightened about him, so nervous and so frightened about it apparently that she goes to a doctor and says that her lover has become an addict to some sort of drug, and she wants him to find out what; and not only that, but this chauffeur at £1 a week has gone to London for the special purpose of obtaining drugs. You have Dr. O'Donnell's evidence and Mrs. Rattenbury's evidence. Is it not quite clear what had happened? When Dr. O'Donnell sees him the next day, and asks him about it, and asks him what he has been taking, he says "Cocaine. That is what I tried to get yesterday, but I could not get it." Have you any doubt that this lad was taking cocaine? He was sent to the doctor because the woman was frightened of him. Irene Riggs said complaints were made on three or four occasions of these attacks, and Mrs. Rattenbury was saying that the lad was threatening her life—this lad who up to September had an exemplary character from everybody. What had changed him? What had turned him into a lad who rushes up to town, a lad who is getting so dangerous that Mrs. Rattenbury sends him to her doctor? Why was it? Was it not addiction to cocaine? Was it not something which was taken into the system which was altering the character of the boy so much? I suggest to you there cannot be any doubt about it. Unfortunately, when he goes to the doctor, the doctor does not say: "You had better get home at once and find another job; get out of this hysterical household with people up all night, and all the rest of it; cocktails, drinking to excess, people having to be put to bed and that sort of thing; get away from it." No, Dr. O'Donnell seems to think he had nothing to do with the boy's future welfare; he just reports to Mrs. Rattenbury that the boy is taking cocaine. He told you what he said to the boy: "I gave him a talking to, and advised him not to take it." I said: "Is it any good with a cocaine addict, to advise him not to take it," and he said: "No, of course not." Mrs. Rattenbury said that after that talk the boy became less troublesome. At any rate we know that she took

## Closing Speech on behalf of Stoner.

Mr Casswell

him up to London, and she raised quite a lot of money, and spent quite a lot of it on this journey to London, the buying of clothes and all the rest of it. Everything seems to be quite normal on the Saturday, and on the Sunday the boy goes round to see his mother, apparently in a quite normal condition at half-past three, and he does not leave her until about half-past four. At half-past four he goes back to the Villa Madeira, and there he serves tea; it was part of his duty, and there in that room upstairs, for some reason or other, the door which is usually left open is closed. Now, the boy has told Dr. Grierson that he took a double dose of cocaine on the afternoon at half-past four. In my submission you cannot have a single doubt that that is true, although none of you can know, or will ever know, how much cocaine was in those two spoonfuls, but I think you will come to the conclusion that it was a pretty severe dose.

What happened then? We know nothing more about him until we find him downstairs. When Mrs. Rattenbury is telephoning to Bridport, the boy has entirely changed, the boy who was quite normal when he went round to his mother, and when he took the tea up, so that nobody noticed anything; what had happened? What had happened to make him suddenly violent, threatening with a revolver, saying: "I am going to shoot you if you go to Bridport." It is suggested that that is the jealousy of a normal man. Do you think it is? In my submission it is not, and it is not the sort of thing you expect to find in an English boy of eighteen. But there it is, this sudden change, the lad bringing out the revolver—I do not care whether it is a real revolver or a toy revolver—and threatening to shoot her if she goes to Bridport; and saying moreover: "You had connexion with Mr. Rattenbury, I heard it going on. What do you mean by that? You told me I was your lover. You told me you had never lived with him for the last seven years, and that is why you wanted me. What do you mean by it?" All hallucination. What caused it? It is not quite clear that is the hallucination that Dr. Weatherly and Dr. Gillespie have spoken of, the hallucination which follows intoxication and cocaine. I ask you to believe that he had taken that double dose a few minutes before he listened outside the door, that he was under the influence of drug at that time, and hence you get this unreasonable fury; this insane and unfounded jealousy. For a time she thinks she has quietened him, but there it is still in his mind. Away he goes and gets that mallet and commits this insane act; and I ask you to say that is not the act of a normal boy, but that it is the act of somebody acting under the impulse of that insane hallucination, that insane jealousy which, as Dr. Weatherly has said to you, may so affect his reason that he does not think of the consequences, and does not form the intent. That is the whole question: what was the state of that boy's mind, a boy who was normal at half-past four, and

## Rattenbury and Stoner.

Mr Casswell

who was doing these extraordinary things at six. What was the state of his mind? Are you going to say, in view of all that evidence, "this was a normal boy"? Are you going to say that he knew what he was doing when he did this awful thing? Are you going to say he appreciated what he was doing, or, if he appreciated it, he knew that he was doing wrong? Even if you think he knew what he was doing, and knew that it was wrong, do you think he formed the intent to do him grievous bodily harm, or to kill him? I suggest to you that the truth came out for the first time in a most illuminating expression used by Mrs. Rattenbury: "He came up to me agitated, distressed, and he said"—what did he say? "'There is something I cannot tell you about, you will not be able to bear it.' 'Oh yes, I can, I can bear anything. What was it then?' 'You won't be going to Bridport to-morrow.'" And later on she said—I took down her exact words: "He gave me the impression that he had hurt Ratz to stop us going to Bridport." In my submission that is the truth of this. In his insane mind he had threatened her with the revolver. She is telephoning to somebody: what must I do, something to stop that visit to Bridport. In my submission to you that was the only intent in that poor lad's mind at nine o'clock at the Villa Madeira.

I think that I have now gone through practically all the material evidence, but I want to say a word about the statements made by Stoner. You have been told that a person under the influence of morphia will make long statements, and be still under the influence for about four days. You will remember what happened from about eleven o'clock, his going about in the ordinary way from place to place. He drove the car to Dr. O'Donnell's. That was at about 11.30, so it would be about two and a half hours after the time at which the prosecution place this blow, and I think you will accept it as about the time, nine o'clock. At 11.30 he is driving out to find Dr. O'Donnell, he does not find him; he comes back again, and then he follows Dr. O'Donnell to the nursing home, and there he is found asleep. It is suggested to you that it would be a usual thing for anybody to sleep. Do you think it would be usual for somebody who was in a state of great fear, wondering what was going to happen to him, whether he was going to be arrested, knowing this terrible thing he had done? Do you think that such a person would have gone to sleep? I put this also before you as worthy of consideration. He does not volunteer any statement to clear himself. The first statement taken from him is at half-past seven that morning, and then it is a statement which is obviously untrue. He talks about going to bed at five-past eight, and not having the mallet, and all the rest of it. I ask you not to hold that against him too strongly. It may be that just at that time he was waking up to the terrible danger that hung over his head. By that time

## Closing Speech on behalf of Stoner.

Mr Casswell

he had no means of knowing that the police were suspecting Mrs. Rattenbury. There is no evidence that he was ever present when those various statements were made by her. The first time that he knows they are going to arrest her is probably when the police-matron is there, and they fetch her out of her bedroom and take her away. Then you get this: Mr. Rattenbury was still alive. You have got this boy in this awful position: "they have arrested Mrs. Rattenbury. I know she did not do it. What am I to do?" He is deprived of the solace, the drug; he gets very, very drunk on the Wednesday night, and he tells Miss Riggs: "I have put her into prison. I am going up to see her, and I am going to give myself up." He did intend to give himself up, but he was arrested as he came back, and the next morning he makes that rather curious statement to the police. I do not know whether you remember that statement which was made by Stoner. It was written by Police-constable Gates. Police-constable Gates went to see him. You may be sure there was no coercion or persuasion. Stoner says this the day after he was arrested, "' You know Mrs. Rattenbury, don't you?' I said, ' Yes, I do.' He said, ' Do you know Mrs. Rattenbury had nothing to do with this affair?' I then cautioned him, he then said, ' When I did this job I believe he was asleep.' " It is a curious thing, not beginning " I went out to do this," but somehow or other laying stress on this: " When I did this job I believe he was asleep. I hit him and then came upstairs and told Mrs. Rattenbury." That is just what Mrs. Rattenbury said. When he came upstairs he told her. Then he said, " She rushed down then," so she said she did when she realized he had done something. He said, " You see, I watched through the french window, and saw her kiss him goodnight, then leave the room. I waited and crept in through the french window, which was unlocked. I think he must have been asleep when I hit him. Still it aint much use saying anything, I don't suppose they will let her out yet." It is quite clear he wanted to tell the truth there as far as he knew it, and you can see why: he wanted to get this innocent person who he knew had nothing whatever to do with it out of difficulty. He said, " Still it aint much use saying anything, I don't suppose they will let her out yet. You know there should be a doctor with her when they tell her I am arrested, because she will go out of her mind." I ask you to say that in itself is some evidence that Mrs. Rattenbury's statement, on which I have been relying, is the true statement. I have no doubt you will have no hesitation in saying who struck this blow.

I ask you, and I ask you on the facts that I have placed before you, on the evidence that I have been able to call before you, the evidence of two very eminent mental specialists who have come here to assist you to the best of their ability—they have not come here with the idea of deceiving you, they have come here with

# Rattenbury and Stoner.

Mr Casswell

the result of their great learning, and their great experience on this one topic, hoping to assist you—I do suggest that their evidence is of the greatest possible assistance to you, that it shows beyond reasonable doubt that that boy was under a heavy dose of cocaine that afternoon, and was still under its influence when this act was committed. Therefore I ask you to say—there are three alternatives here—you may find either that this boy deliberately and of malice aforethought was guilty of murder, that is one, or you may say, as I ask you to say, the evidence before us is sufficient to satisfy us not only from the nature of the act, but from what we have heard elsewhere, that boy was not in his right mind when he did this act and did not really understand what he was doing at all. If you felt that he did understand what he was doing, then, of course, your verdict would be guilty but insane. If you feel that you are bound to find that he knew something about what he was doing, then I ask you to say I have proved facts sufficient to satisfy you that he did not form the intent of doing grievous bodily harm to Mr. Rattenbury, in which case your verdict should be manslaughter. I say to you as reasonable men and women that the verdict which you ought to find is one of these two, either he was guilty but insane, or he was guilty of manslaughter and of manslaughter only and not of murder.

Adjourned for a short time.

## Closing Speech for the Crown.

Mr. CROOM-JOHNSON—May it please your lordship and members of the jury, those of us who come into the Criminal Courts have very often very unpleasant, extremely disagreeable, but necessary duties to perform. My sole duty on behalf of the prosecution here is to put certain considerations to you with, I hope, complete fairness to each of the accused persons, but I should be lacking in my duty were I not to submit to you, as I shall have occasion to do before I sit down, where in the submission of the prosecution the facts proved in this case irresistibly should lead you. If, as I said when I addressed you last, you have a doubt, a reasonable doubt about either one of these two persons as to whether he or she is guilty or not, it will not only be your duty but I expect and believe it will be your pleasure to give effect to that doubt by acquittal. May I say one other thing about the circumstances in which this case is being conducted. You have had to listen, unfortunately, for some days now to a story which to most of you I hope is unusual, but it is a story of immorality and vice. The only use which anybody would care to make of those facts is this: that in view of that state of affairs existing, does it throw

## Closing Speech for the Crown.

Mr Croom-Johnson

any light one way or another on the facts and circumstances which you are engaged in investigating. From the point of view of your verdict, the fact that the two persons are persons who have been guilty of immorality in circumstances which you may deplore, has nothing to do with the case, but from the point of view of enabling you to judge of the truth of the evidence of Mrs. Rattenbury, those facts may be all important.

It has rather been suggested to you that this is a case in which two persons, this woman, whom probably you may think is a woman of experience, and this inexperienced boy, had arrived at a time when they were obtaining out of their illicit intercourse sufficient satisfaction to leave them no motive for getting rid of the husband in the case. It is a little difficult, you may think, to square that with the fact that only less than a week before that fatal Sunday these two people for some reason or other had gone away together on an excursion to London where they were going to stay at the same hotel, and you may possibly think that suggests that the opportunities which were available to them at the Villa Madeira were not sufficient for their purpose. On the other hand, you have been told that they went away after the husband had been deceived, after he had been told by the prisoner Rattenbury a lie, a particularly mean lie, you may think. That also may suggest that they were anxious for some reason to get away from the Villa Madeira where the husband was living. In addition you have been told that there was trouble about money, and that there had been quarrels about money, and if motive is to assist you at all in this case you may think that there is ample evidence available with regard to motive. On the subject of motive I may perhaps say this to you, to approach it, as I am sure you will desire to do, with great caution. Motive in a case of this sort by itself proves nothing. The fact that somebody stands to gain or lose in one way or another by the death of an individual is not the remotest evidence of a desire to murder that individual, but when you come to sum up the evidence, when you come to look and see what the facts properly amount to, you may then think that motive may assist you in judging of those facts. I have said all I am going to say on that topic.

Now let us examine for a few moments together the position between Mrs. Rattenbury and Stoner. You must judge the evidence from your knowledge of the world and experience. You are not supposed, when you enter the jury-box, to leave your knowledge and experience of the world outside. One of the great reasons and justifications for trial by jury is that twelve of the accused's fellow-citizens should come with their knowledge of human nature, perhaps not steeped as some of us are perhaps a little apt to be in the atmosphere of the Law Courts, I will not say to bring a breath of common sense into the matter, but to get the point of view

# Rattenbury and Stoner.

Mr Croom-Johnson

of ordinary responsible citizens, and testing what you have heard in this case in that way, have you any doubts in your own minds that Stoner throughout this unhappy story was dominated by Mrs. Rattenbury? I suggest that to you as a key to the solution of the problem which you are engaged in solving.

Now let us see where next we are. Mrs. Rattenbury has told you a story of the events of that night. You are the judges, having seen her demeanour in the witness-box, having heard what she has had to say, as to whether what she has told you is the truth or is not the truth, but I must point out to you that she is a woman who, upon her own statement and, indeed, upon her own conduct, has for some years been engaged in lying to her husband about money matters and with regard to her daily life for some months past, whether it is from November or from Christmas or from February, has been engaged in a constant life of the grossest deceit of her husband. You may think that notwithstanding those facts you feel yourselves justified in relying upon her testimony. If you do so, by all means rely upon it and test it and see where it leads. She has told you that her memory is a complete blank with regard to everything but the most trifling details in the events of that dreadful night after the time when she put a towel round Mr. Rattenbury's head. It is a matter entirely for you as to whether you accept that.

I am just going to remind you in a few moments of the events of that night up to the time when she was given a dose of morphia, because you will recollect that her loss or alleged loss of memory in this case dates not from the time when she was given the morphia, but dates from a period long anterior to it, comparatively speaking. You heard the evidence of the doctor in the witness-box this morning, that people who are given morphia do sometimes lose their memory of events which happened from the time when the morphia is given for some time afterwards. You heard his other answer, that that is not a loss of memory of events which preceded the dose. The actual words I think that he gave were these: "I have asked questions of persons under morphia. I have been answered coherently and intelligently. They lose their memory for events which happened while the drug was in operation. They have not had a retrospective loss of memory, their loss of memory in my experience only applies to events after the drug is in operation." The drug was given somewhere about half-past three in the morning, or probably a little later, when Dr. O'Donnell returned from the nursing home and came to the house for the second occasion on that night. The time when the towel was placed round the head of the deceased is not fixed, I think, with any exactitude, but it must have been at some time, you may think, during the time that Mrs. Rattenbury was engaged in looking after him, and in that time, that is to say before



## Closing Speech for the Crown.

Mr Croom-Johnson

the dose of morphia had been given, Mrs. Rattenbury had said and done a great many things. She had said, I think to Inspector Mills—first of all I think, to be absolutely fair to her, she had made statements to the doctor which are statements which do not involve her in any criminal responsibility whatever. At a little later time she had made statements to Constable Bagwell who arrived on the scene at two o'clock in the morning. What then was the condition of Mrs. Rattenbury during that time? She had had a glass of neat whisky; she had thrown it up, had been sick, and therefore that dose of neat whisky you may think could not have affected her mind at all, could not have affected any question of memory or any question as to her being completely mistress of herself. She tells you, and you must judge whether it is likely that a woman who had been sick once after taking a dose of whisky could succeed within the next hour in taking other doses of whisky which she could keep down. You will judge of that from your own knowledge and your own experience. I suggest to you that, although later on she was undoubtedly under the influence of drink, that much later on again she was undoubtedly seen drinking whisky and soda, there is no real justification for saying that she was in such a condition before the morphia was administered that she ought not to remember what took place. What did she say during that period of time? She said to Bagwell: "I did it with a mallet; it is hidden; Ratz has lived too long. No, my lover did it. I will give you £10. No, I won't bribe you." That statement is, as you see, two statements; first of all, that she did it with a hidden mallet, and, secondly, that her lover did it. Then later on, and again before the morphia injection, when Inspector Mills was there, when he went back and told her that her husband was in a critical condition, the answer that she made to him was: "Will this be against me?" Then she said "I did it; he gave me the book; he has lived too long. He said 'Dear, dear.'"

What do you suppose that "Dear, dear" meant; does it sound like the sound of the victim as the blow was struck? "I will tell you where the mallet is." We have no evidence that she knew where it was except that it was outside the house: "Have you told the Coroner yet?"; nothing inherently improbable, you may think, in her making that inquiry. "I shall make a better job of it next time." Then the woman who had been her friend came into her mind: "Irene does not know." She makes it plain that Irene is not responsible. "I made a proper muddle of it"; remember that Mr. Rattenbury had not been killed outright and that three blows had been struck; that is the evidence. "I thought I was strong enough." Strong enough for what? It is after that time that she is given the morphia, after the doctor arrived and when she is talking obviously at that time with the intent of making other statements:

## Rattenbury and Stoner.

Mr Croom-Johnson

"I know who did it, his son," and things of that sort, but at that time Dr. O'Donnell comes to the conclusion that she is not fit to make a statement and gives her morphia. Are you satisfied that she is telling the truth when she says her mind is a blank about these incidents, even if you accept the medical evidence to which you have listened that her mind is a blank with regard to what she said and did, and the things that happened after the morphia was administered? Are you satisfied that she made the statement which they say she made, and to which the only answer made by her is not that "I did not make them," but that "I have no recollection at all of any of the events of that period"? Dr. O'Donnell, it is true, says that up till six o'clock the next morning and even at 8.15 the next morning he himself would not give credence to statements made by her at those times. If you think from what you know of the facts there is anything that should induce you to disregard those statements, then in pursuance of your duty you will do so, but recollect Dr. O'Donnell did not see her at six o'clock or at 8.15; he had gone, and the position with regard to the 8.15 matter is this: you have been told that for a person who has had a dose of morphia, been walking about, had coffee and a bath, each one in its turn would assist in sweeping away, so to speak, for some short time the effects of the drug. This lady had experienced all three. She tells you that she cannot recollect, and the suggestion was that she was ill and unable to do anything. She had a bath; she came downstairs and she had coffee, and if you believe the evidence of the police officers, and there is no suggestion so far as I have listened to the case that you should not, when that book that the detective-inspector produced, a man of responsibility, a man of position in the force in which he serves, was read out to her by him, she not only asked to see the book but read it out herself and there is her signature to the statement in it: "About 9 p.m. on Sunday, the 24th March, 1935, I was playing cards with my husband when he dared me to kill him as he wanted to die. I picked up the mallet; he then said 'You have not got guts enough to do it.' I then hit him with the mallet. I hid the mallet outside the house." Then she adds something which you may think is very significant: "I would have shot him if I had had a gun." It is my duty on behalf of the prosecution to suggest to you that those statements which that woman made during that night are the truth. You may think that in the state in which she was there is such a thing as remorse after you have done something which you have determined to do, and that she was telling the truth, and that what she put her signature to—a signature which, I suggest to you in the circumstances in which it was written, was not suggested that she was incapable of understanding—when she put her signature to that statement she was signing that which was true. Not a word was

## Closing Speech for the Crown.

Mr Croom-Johnson

mentioned about Stoner during this time. One other piece of evidence which it is my duty to submit to you is of the greatest importance in the case is that at the moment when she is going off to the police station, with Stoner and Riggs in the hall, she speaks to them: "Don't make fools of yourselves," and then Stoner says to her: "You have got yourself into this mess by too much talking." Does it suggest to your minds that Stoner and she had had a common object that night; that Stoner was the person who had gone away to fetch the mallet, and that she, thinking she was strong enough, had aimed the blow or blows at her husband's head but made a muddle of it? For the purpose of examining as to whether the facts do not lead to that conclusion I suggest for your consideration that you should consider whether it is right or not to come to the view on the facts in this case that Stoner was a person who was likely, to say the least of it, to be acting under her domination. Those are the essential facts of the case so far as Mrs. Rattenbury is concerned.

So far as Stoner is concerned the situation is simplicity itself; he saw her go away and said nothing. She would have you believe that already that night he had confessed to her that he had done hurt to Mr. Rattenbury. You may think that the suggestion is inconsistent with his subsequent action, and that he really was in a state of mind when according to her he plainly understood what he had done, had done it deliberately, and had done it with the object of preventing the journey to Bridport. Yet for some reason or other he remains quiet and sees her go to jail, and it is not until some little time afterwards when he makes first of all his statement to Irene Riggs, and later on when he makes his statement to the police officer, that you get any statement incriminating him. Do not forget in that connexion that in the meantime Stoner himself—the man who according to the powerful speech that has just been made to you in his defence by my learned friend, Mr. Casswell, was really a person who was not understanding, did not know, was in such a distressed state of mind by the taking of cocaine that he was a person who really could not understand—had given a detailed statement which was taken down and in which he explained what he was doing, putting up a story that he had retired to his bedroom at 8.5 p.m. on Sunday, the 24th March, leaving Mr. and Mrs. Rattenbury and the boy John in the drawing-room. We know it is not until he has been arrested and until he has been in confinement for some time, one night at least, that he makes the full statement that you have heard read to you this morning by my learned friend, Mr. Casswell. The suggestion to you about that is, that that is the truth, coupled with the idea that the circumstances are so extraordinary that it must be—that, I rather gathered, is the effect of his statement on all the evidence that you have listened to with

# Rattenbury and Stoner.

Mr Croom-Johnson

such attention—that Stoner could not have understood what he was doing, and that your proper verdict accordingly should be that of guilty but insane.

The evidence to which you have listened as to what this boy really did and said, whether you get it from Mrs. Rattenbury if you accept that story, or what he said to the police officer when he made his statement, or what he said to Mrs. Rattenbury at the door; “You have got yourself into this mess by talking too much”—if you contrast all those facts with the theories of the learned medical gentlemen who have come here, I am bound to submit to you indicates a person who was quite understanding the position, and a person in the possession of all his ordinary faculties when you have regard to the fact that his employer had been previously maltreated in the house that night. It is suggested to you that you ought to give effect to this theory so far as the boy is concerned because you could not expect that an ordinary English boy of eighteen would do these things if he was in possession of his senses. Unfortunately, you may think in this case that what looked at one time to be not merely an ordinary English boy of eighteen but an English boy of irreproachable character and manifestly, having seen his parents, of good up-bringing, that this boy has done a great many things which possibly all of you would not expect of a boy of those antecedents to do. It is no good trying to suggest otherwise to you; in all humility it is no good venturing to look at things through dark spectacles. Truth, it is said, is stranger than fiction. Cases that get into these Courts are not the ordinary cases of ordinary decent English life; we are dealing with exceptional circumstances and exceptional cases. It is no good inviting people to come to a conclusion because they may not expect things of this sort to happen: “Guilty but insane.” His lordship will direct you as to the effect of a statement made by Stoner’s own counsel that he accepted the position that Stoner is guilty, I mean as to what that position is so far as it affects the case for the prosecution against Mrs. Rattenbury.

MR. JUSTICE HUMPHREYS—I think I ought to say at once that I shall tell the jury that they ought to put out of their minds entirely that statement, not only as against Mrs. Rattenbury but also as against Stoner. They have to decide the case upon evidence and not upon any *quasi*-admissions which counsel may think it desirable to make from his point of view. Stoner is the only man who can say “I am guilty.” His counsel cannot say that.

MR. CROOM-JOHNSON—If your lordship pleases. I anticipated that that would be the direction your lordship would give.

Now members of the jury, if you are satisfied that this boy did not understand the nature and quality of his offence, you have to be satisfied by the evidence called on his behalf, and the onus of proof in this matter, and in this matter only, is upon

## Closing Speech for the Crown.

Mr Croom-Johnson

the defendant who advances that story. You have to be satisfied first of all that there is something akin to disease of the mind. Remember where his story starts with the cocaine. It starts with the statement that he found cocaine in his father's house. We are not told with any precision how long before; you are left completely in the dark about it. It is nobody's fault. His father has told you that he has never had any cocaine in the house. The boy has made a statement that on the day of the assault at about four o'clock in the afternoon he took two heaped-up teaspoonfuls of cocaine. Assuming that is right, what sort of cocaine was it? It is said that the substance he took was a brownish substance with dark specks in it. The evidence is that that is cocaine of a sort the gentleman who told us about these things had never heard of. Two heaped-up teaspoonfuls would be a very considerable quantity, you may think, of this drug, and yet at eight o'clock that night this young man who, according to this theory, had been acting under an impulse, got into his master's motor car, drove some three or four miles, borrowed a mallet, had a conversation, came back again for three or four miles with the mallet, and, having come back with the mallet and presumably, therefore, having arrived back at the Villa Madeira some time after half-past eight, waited two hours before he struck the blows which eventually ended fatally, somewhere about half-past ten, some time just before he got into bed with Mrs. Rattenbury.

Mr. CASSWELL—What story is that?

Mr. JUSTICE HUMPHREYS—He is talking of the story told by Mrs. Rattenbury.

Mr. O'CONNOR—That is not the story told by Mrs. Rattenbury.

Mr. CASSWELL—My lord, there is no evidence of Mrs. Rattenbury that the blow was struck later than nine o'clock, and the evidence of the prosecution is that when Miss Riggs went down there the blood was clotted as if it had been there some time. I hope my friend, if he is going to suggest to the jury that this took place at half-past ten—

Mr. CROOM-JOHNSON—I am not.

Mr. CASSWELL—will at any rate put his finger upon the evidence upon which he bases that statement.

Mr. JUSTICE HUMPHREYS—Go on please, Mr. Croom-Johnson.

Mr. CROOM-JOHNSON—Members of the jury, I am sure you understood me. I was putting the case to you on the assumption that you are to accept the story which has been advanced to you upon these points on behalf of the defendant Stoner. I am sure you quite understood I was not accepting any part of that story except those parts of it which we know of with regard to the mallet. The suggestion plainly, I submit to you upon that evidence, was that the hurt had been done certainly later than half-past nine, because at half-past nine Mrs. Rattenbury, according to her story, had gone to bed leaving Stoner somewhere about

## Rattenbury and Stoner.

Mr Croom-Johnson

—I think she said she could not tell us where—and that very soon afterwards, certainly not half-past ten, this man was in her bed, in her bedroom telling her that he had done the injuries. That suggested to my mind—and if it does not suggest it to yours by all means give effect to it—that the theory advanced was that the blow had been recently struck. All those things, in my submission to you, do suggest deliberation if that story is true, and do not suggest an impulse brought on by a man being reduced into some sort of condition of excitement or overweening jealousy or the like, as the result of the evils which he suffers from being a cocaine addict. The story which I submitted to you in opening the case which it is my painful duty to submit to you as the truth, is that the mallet having been borrowed between eight and 8.30, the blow was struck somewhere about nine o'clock, the time which gets into two of the lady's statements although they are not statements, I agree, in which she said she did any particular act at that time. Therefore the position is, when you have regard to the state of the blood, the quantity of the blood, the congealed condition of the blood at a comparatively early time, the flow of blood on to the floor, and poor Mr. Rattenbury's collar which you saw produced as an exhibit in the case, that those facts may suggest to your mind that the blows had been delivered long before. There is one other cogent piece of evidence on this topic. Irene Riggs came in at 10.15 or thereabouts. The time when she was expected in was about ten, and when she goes downstairs she hears that sound of heavy breathing. Within a very short time afterwards we know Mr. Rattenbury was discovered unconscious with all this blood about. The object of my observation when I was interrupted by my two learned friends was to point out to you that if you accept the suggestions which are made on behalf of Stoner they do appear to involve premeditation by him, carried out with premeditation over a fairly long time, some hours at the very least, and I suggest to you that you should reject those suggestions just as I suggest to you that it is your duty in pursuance of the oaths you have taken to reject the conclusion at which you are invited to arrive based on these hypotheses. I think I have said all that is necessary that I should say in the case.

I should like to wind up as I started: if you come to the conclusion that these facts are consistent and only consistent with the view that is put before you on behalf of the prosecution, that this was a crime which was committed by these two people helping one another with one common object, if you have no reasonable doubt, such a doubt as would induce you to act or refrain from acting in your ordinary every-day affairs, then it will be your duty in vindication of public justice to say so by your verdict. If, in pursuance of your oaths, you can still bring yourselves to the view that you are not satisfied, that the case has not been

# Speech for the Prisoner Rattenbury.

Mr T. J. O'Connor

made out to your satisfaction, then it would be your duty and possibly the pleasure of us all, for you to say that not being satisfied, your verdict is a verdict for the defendants.

## Speech for the Prisoner Rattenbury.

Mr. T. J. O'CONNOR—If it please your lordship, Members of the jury, nobody who listened to the concluding remarks of my learned friend or indeed to the tenor of the whole of his remarks, and noticed his conduct of the case can doubt that he has maintained the tradition of British justice in the fairness with which he has presented the case against these two accused. I am going to ask your indulgence. I am going to address you for some little time in the discharge of my duty, and I do so with less reluctance because of the way in which patiently and assiduously you have now listened from Monday morning until the present moment to the whole of the case that has been put before you. We are all assisting in our different capacities in the discharge of one of the highest functions of citizenship—the doing of justice. By English law we do not allow in criminal cases evidence to be given of previous convictions of an accused person. Presumption of innocence is at the root of the whole of our legal system, and it is only very reluctantly that that presumption is displaced, and it has to be displaced by the Crown. When the integrity of a person is impeached, when crime is sought to be brought home against that person, it is essentially for the Crown to prove guilt beyond a reasonable doubt to twelve of that person's fellow-citizens. In doing so in any ordinary case no evidence of previous bad character may be given. You cannot say of a person, as perhaps you could under other systems of jurisprudence, "this person was a thief before, this person has been guilty of assault before, and therefore may be guilty again." A jury comes to its task upon the assumption that there is nothing upon which the person's record can be questioned.

But cases arise in which, through no fault of the prosecution, a person comes before you with a record and with a history which inspire you with revulsion. It is in those cases perhaps that the task of the jury is most difficult of all. They have to separate in their minds the natural revulsion which they feel against behaviour which nobody would seek to condone or commend, to dissociate in their minds evidence of evil character and evil behaviour, of ill or damage done to other people—to divide all these prejudicial elements and features of the case from the crime of which that person is being arraigned. I want you in your approach to this case, in your consideration of it after I have sat down, and after my lord has summed up to you, to begin, each and all of you,

# Rattenbury and Stoner.

Mr T. J. O'Connor

by making quite certain that you have purged your minds of any feeling that this woman should suffer because of the woman she has been. I am not here to cast one stone against that boy. It is not for the defence at any time to satisfy you as to innocence: it need only raise a reasonable doubt in your mind. You are not bound to accept the story of the defence or of either of the defendants. You may go away from here after your duty is done feeling "we do not believe everything that Mrs. Rattenbury has said." That is not enough to entitle you to convict her. You have to review the whole of the evidence for the prosecution and for the defence, and make up your minds on all you have heard, even if you disbelieve the defence, even if you feel she has reasons for keeping something back. You may think she has reasons which have nothing to do with this crime, which perhaps have something to do with some attempt to help the boy. You need not believe her statement, yet if it leads to a reasonable doubt as to whether it is true, the defence is entitled to an acquittal.

With these general considerations in your mind let us now approach the case which is sought to be made by the Crown. I want to consider that case first of all without Mrs. Rattenbury's statements; from the point of view of the objective evidence produced by the Crown. Mr. Croom-Johnson has spoken to you of motive and has suggested that Mr. Rattenbury was in the way. Is there any foundation whatsoever for this suggestion? All the evidence is to the contrary. Mr. and Mrs. Rattenbury were leading the comfortable ordinary life, not very exciting perhaps, which you would expect from their disparity of ages. Is it suggested that this designing, self-indulgent woman, as the Crown wish to make her out to be, would desire to exchange her comfortable middle-class surroundings with her car and villa and reasonably ample means for life with Stoner on a pound a week? I venture to suggest that the case of motive is so inpalpable and flimsy that you will discard it out of hand.

Let us turn then to the actual incidents of the fatal evening as they are related by the witnesses for the Crown. The maid Riggs hears a cry. Remember, she is put forward by the Crown as their witness of truth. She comes down to the drawing-room and finds Mrs. Rattenbury prostrated with grief and Mr. Rattenbury a crumpled heap with blood streaming from his head. You will have no doubt that the wounds from which he died were inflicted by a mallet brought by Stoner from a considerable distance away. The medical evidence shows that the blows were inflicted from behind. The mallet, as you know, was found concealed outside the house. Riggs found Mrs. Rattenbury slipperless and besotted with grief. Riggs had last seen Mrs. Rattenbury when the latter had visited her in her bedroom. She was then, according to Riggs, cool and collected, she talked cheerfully of the proposed



# Speech for the Prisoner Rattenbury.

Mr T. J. O'Connor

visit to Jenks at Bridport on the next day, and said that it was uncertain whether Stoner would be driving or not. If the case for the Crown is to be accepted, while she was talking to Riggs about the morrow's arrangements in this way, she knew that Rattenbury was bleeding to death in the room below. You have seen Mrs. Rattenbury in the box. Can you credit her with such diabolical finesse, with such exact and careful preparations of her defence? We know that she did in fact, earlier in the evening, ring up Jenks and make arrangements for the visit on the following day. We know that she had put out Rattenbury's clothes, as it was her custom to do when they were going away. The suggestion of the Crown, of course, is that this was part of a premeditated scheme. Can you believe that possible? Indeed, you must go further than that; you must accept her as one of the most superb actresses in the world, if you believe Riggs, as the Crown ask you to do, when she says that when she came down into the drawing-room a few minutes after the bedroom conversation Mrs. Rattenbury was in the extremities of grief, and as she described her "a changed woman."

Remember one or two instances of those first moments in the drawing-room which indicate where the truth lies. Mrs. Rattenbury was slipperless. Do you think that she could have possessed the cunning to remember to come downstairs slipperless so as to give the impression of haste? You remember how Riggs spoke about her solicitude for Rattenbury? About her impatience when the telephone messages to the doctor did not seem to go through fast enough? Must you come to the conclusion that this was all exquisite play acting? Is that hypothesis easier to accept than the simple story told by Mrs. Rattenbury in the box? That hearing a cry she rushed downstairs and found her husband with blood streaming from his head. Again, the truth often emerges irresistibly through little details. Do you remember how she told you in the witness-box that "I found his teeth on the floor and put them in so that he could speak." Can you imagine a mind so cunning, so deceitful, so careful in its preparation of a defence as to invent an incident like that? Members of the jury, I suggest to you that upon the objective evidence produced by the Crown no jury in the world could convict this woman.

But the Crown in this case is furnished with material which they think far deadlier than the objective evidence. They have the statements of Mrs. Rattenbury herself and they invite you to say that upon these statements you are entitled to convict her. There are seven of them and I want you to consider each of them in sequence, bearing in mind the grotesque theory of the prosecution that this was on Mrs. Rattenbury's part a crime of premeditation. As this sordid night wore on, the statements became progressively more absurd, as her drink-sodden condition blurred the outlines

## Rattenbury and Stoner.

Mr T. J. O'Connor

of reason and left outstanding and distinct only the growing instinct to save her lover at all costs. The first statement is at 2 a.m., and is in these words: "I was playing cards with my husband for a short time until nine o'clock. I then went to my bedroom. At about ten-thirty I heard a yell. I came downstairs to the drawing-room and saw my husband sitting in the chair. I sent for O'Donnell."

Now what you will ask yourselves is this: If the Crown is right in suggesting that Mrs. Rattenbury had carefully prepared a defence, the message to Jenks, the putting out of the clothes, the conversation with Riggs, and so forth; how comes it that not one word of this carefully prepared defence appears in any of the statements, and, most remarkable of all, that nothing of the sort appears when her mind is comparatively clear at two o'clock in the morning?"

The second statement is almost exactly the same as the first, and both of them are entirely consistent with the story she told you in the witness-box. But it is when we come to the third and later statements that the Crown asks you to believe that these are confessions of guilt. She says to Bagwell at about half-past two in the morning: "I know who did it. I did it with a mallet. It is hidden. Ratz has lived too long. No, my lover did it. It's urine in the chair. I will give you ten pounds. No, I won't bribe you." A rambling incoherent statement which cancels out. It is suggested that this is a confession. But if it is a confession, why does it not confess the truth? Why does she not say to the police: "I will show you where the mallet is?" You will find, as the statements progress throughout the night, there is one strange lacuna. On no occasion does she tell the police where the mallet is hidden. Can you imagine any reason for this omission other than the fact that she did not know? And as the night wore on and her determination at all costs to take the blame and shield her lover takes shape in her fuddled brain, you can see that she is beginning to grasp the fact that she cannot successfully take that blame unless she can account for the whereabouts of the mallet. When she is being taken away to the police station, she hisses into Riggs's ear: "You must find out where the mallet is." Members of the jury, I suggest that that final remark offers you the clearest and most cogent evidence that this woman was inventing a confession which she saw to be incomplete and which she knew could never be convincing unless she could indicate where the weapon was hidden with which the act had been done. Look at all these statements. I will not go through them in detail with you but ask yourselves, are they the statements of a prescient mind or are they rather the rambling incoherent outpourings of a woman sotted with drink and later muddled with morphia? Remember what Dr. O'Donnell, another witness for the



[*Lafayette*

**Mr. T. J. O'Connor, K.C.**

# Speech for the Prisoner Rattenbury.

Mr T. J. O'Connor

Crown, has told you: "I told the police at half-past three that I had given her a shot of morphia and that she was not fit to make a statement." Remember how Inspector Carter and the matron have told you that she was swaying and trying to be sick, and dazed at one o'clock on the following afternoon. And remember, lastly, the evidence of the Governor of Holloway Gaol that for some days after her reception into Holloway she was still obviously suffering from the effects of the drug. I suggest with confidence that neither upon the objective evidence, nor upon the statements made by Mrs. Rattenbury herself, has the Crown made out a case which could be acceptable to twelve reasonable men and women.

The Crown say this was a premeditated crime. If this woman had the foresight and cunning to make the preparations of which you have heard on the fatal evening, is it conceivable that she should have been so clumsy as to bring home for the week-end her child who might have remained at school? Can you conceive that she would have ordered from Harrod's for her lover to be delivered on Monday after the crime those fatally incriminating tokens of her affection for Stoner? If the crime was premeditated, can you conceive of Mrs. Rattenbury and Stoner sitting down and solemnly deciding upon a mallet for the execution of the act? Why a mallet? Why a mallet borrowed from Stoner's parents, the ownership of which could easily be traced? Why not a poker picked up from the fireplace if the impression to be conveyed was that it was the act of an intruder? Why not one of the swords which were hanging over the fireplace? Members of the jury, I suggest that the very clumsiness of the crime brands it as a crime of impulse. Not necessarily an impulse which occurred at the moment before the crime, but an impulse which seized this jealous unbalanced boy in the course of that Sunday afternoon. And if it be a crime of impulse, it is not difficult to understand one impulse resulting in the act, but the theory of two synchronised impulses occurring in two different minds is, indeed, a difficult one to accept.

Members of the jury, it appears to me that throughout this case the Crown have been asking you to accept the most difficult hypothesis instead of the simple one. Is it so hard to see where the truth lies here? Perhaps the most horrible part of my task is, in the performance of my duty to Mrs. Rattenbury, to have to call your attention to facts which clearly indicate that Stoner conceived and executed this crime. But that duty must be discharged. Let us consider for a moment the facts which incriminate him. Stoner, as you know, is still but a lad; his upbringing was simple; he had but few friends and no girl friends. He is flung, at the age of eighteen, into the vortex of illicit love. The evidence shows him to have been an unbalanced melodramatic boy, given to

# Rattenbury and Stoner.

Mr T. J. O'Connor

violent outbursts. The witnesses for the Crown have proved that on previous occasions he had assaulted Mrs. Rattenbury. They have also proved that he used to go about with a toy dagger and with a toy revolver. An unbalanced, hysterical, melodramatic youth. Consider his first associations with passionate womanhood. The natural reactions of a jealous youth, possibly, I do not know, accentuated by drug taking. He is taken away from his work as chauffeur, stays sumptuously in a west-end hotel for a week with his mistress, dressed in silk pyjamas from a west-end store, and then brought back to earth and to his drudging duties and submitting to the orders of his mistress's husband.

If you were judging of moral responsibility in this case, your task might be a light one, for you cannot resist nausea and disgust at the way in which this middle-aged woman has ensnared and degraded this hapless youth. But that is not your task to-day. If you are tempted to cast moral reproach, I would say to you with reverence: "Let him that is without sin cast the first stone." Perhaps also you may think that during that fatal night there were indications of a belated nobility on Mrs. Rattenbury's part in the way in which she sought to shield her lover and in the indications of her anxiety at all hazards to take the blame. Too late, like Frankenstein, she had discovered that she had created a monster which she could not control.

I beg you, as I began, to discount your horror at her moral failure and to remember that the worst misery which you could inflict upon this wretched youth would be to convict her of something for which he knows she is not responsible. Mercifully perhaps you may say to yourselves: "She has been punished enough. Wherever she walks she will be a figure of shame." That is not your responsibility; that is hers. Weigh carefully all the evidence, bearing in mind the considerations I have put before you, remembering that the Crown must prove its case unerringly to your satisfaction, and remembering that if you allow prejudice or moral turpitude to cloud your judgment, and to blur the true issue, you will not be faithful to your oaths, but you will be debauching the law and degrading our conception of justice.

The Court adjourned.

Fifth Day—Friday, 31st May, 1935.

Mr. Justice Humphreys' Summing Up.

MR. JUSTICE HUMPHREYS—Members of the jury, you have listened now for four days with exemplary patience and, as I have observed, with the closest attention to a case in which a large

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

number of matters have been referred to and discussed, some of which may be described, I think, as being on the outside edge of the case, on the fringe of the case, matters which at one time might have seemed to be possibly of some importance, but which have faded away and have become either matters of common consent or of no importance to the case. I do not propose to refer, or to attempt to refer, either to every fact which has been proved in this case or to all the comments which have been made by counsel to you upon the evidence. Speeches of counsel are addressed to you because you are the judges of the facts and counsel are addressing you upon the facts of the case, which it is for you to find. If I do not, and I do not intend to refer to all the matters in this case, it is not because I invite you to disregard them, but because I leave you, who have listened with patience to the addresses of counsel, to give such weight as you think right to those observations, and particularly those made on behalf of the two accused persons, as I am sure you will do. One other word about the observations I am going to make to you about the facts. As I have said, you are the judges of the facts. In the course of my summing-up I shall make observations on the facts, and you may gather the view which I take not of the verdict which you should return, but on some matters which I think it right to comment upon. Please remember this: all questions of facts are for you, the proper inference to be drawn from facts is for you and for you only, and while you will accept without question my direction to you upon the law, because that is my province, you will arrive at the facts upon your own interpretation of the facts. Such observations as I make to you may or may not meet with your approval. If they do not, disregard them; if they do, then they will have achieved the object for which they are made, and that is to give you some assistance in the matter. That is all.

This case was opened for you on Monday by Mr. Croom-Johnson, not in these words but in this way. He said "We believe we shall be able to prove to you that Mr. Rattenbury was murdered by somebody. We believe we shall be able to establish as against each of these persons jointly that they had the opportunity for committing that murder, that they had the motive for committing that murder, and their conduct was such as to make it, as indeed the prosecution suggest, clear that the murder was the result of a joint agreement between them." He said to you each of these persons has made statements, each of them has made at one time or the other statements to the effect that they are completely innocent, they had no hand in this matter at all, the killing or the injury of Mr. Rattenbury. On the other hand, it is true to say that each of them has made at other times a statement to the effect that he or she, as the case may be, alone was responsible for the injury and death of Mr. Rattenbury. Mr. Croom-Johnson said to you "Under those circumstances, if we prove that, we shall ask you to say that this is a

# Rattenbury and Stoner.

Mr Justice Humphreys

case in which it is established that the death, the murder of Mr. Rattenbury was the result of the joint agreement of the two persons who are now being tried together." As a proposition of law that is undoubtedly correct, for the law is this. If two persons agree together that a felony, such a felony as the felonious wounding—and the felonious wounding means wounding with intent either to kill or to do serious bodily injury, which is called grievous bodily harm—shall be committed upon somebody, and if in pursuance of that agreement that felonious wounding is committed by one of them and death is caused and ensues as the result of that felonious wounding, then each of those persons is equally guilty of murder. That is the law, and it matters not by the hands of which of them the fatal blow was delivered, and it matters not whether both of them were even present at the time when the fatal blow was delivered. Call them A and B for a moment. Supposing that it is proved to the jury that A and B agree together that C shall be feloniously wounded or killed, and A and A alone kills him, if B who has so agreed that the thing shall be done, is present at the time when A carries out that felonious act, then B is said to be a principal in the second degree—that is the legal term—the actual person A who commits the crime, whose hand commits the crime, being a principal in the first degree, but if B is absent at the time when the crime is committed, but yet is proved to have counselled and procured, either by conspiring with or advising or suggesting the crime, then B is said to be an accessory before the fact, and the law in these days, and since the time before in fact I was born, has been that principals in the second degree, principals in the first degree, accessories before the fact, may all be tried together or separately and may be convicted upon an indictment charging murder, felony, as having been committed as the indictment in this case does, for these two persons are charged singly and jointly with the crime of murder. Now that is the law, that is the law as it relates to the case as it was opened. You have since that day had before you a good deal of evidence, indeed, some evidence and not unimportant evidence has been given in this case which it is quite clear the prosecution were quite unaware of, for at one period of this case it seemed that the two accused were instructing their respective counsel by no means to help each other, but to bring out facts which would be, which perhaps were damaging to the case of the other accused. You will remember facts were elicited from witnesses on behalf of Mrs. Rattenbury as against Stoner and *vice versa*, and it appeared and apparently was so, that the prosecution were quite unaware of that evidence. We know that Miss Riggs had made a statement to Mrs. Rattenbury's solicitor who is instructing Mr. O'Connor, and apparently told that solicitor things which she had not thought necessary or proper to tell the police, and you may think that as the result of that evidence as a whole the case that is made against these persons now—I do not mean made by counsel, but

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

as the evidence rather shapes itself—is rather a case in which the evidence points, whether it proves is quite another matter, to Stoner as being the person whose hand caused the injuries to Mr. Rattenbury and that Mrs. Rattenbury was a party to, but not an actual assailant of Mr. Rattenbury—party to the crime but not an actual assailant. If that is so, let me tell you in a word exactly how the law stands. It is no different, but I will put it in slightly different language. If it is proved to your satisfaction that Stoner attacked Mr. Rattenbury, attacked him as he sat in his chair asleep or awake, without any sort or kind of justification, not in self-defence or anything of that sort, but made an attack upon Mr. Rattenbury and delivered those three blows upon his head, which the doctors spoke of—if you come to the conclusion that it is proved that Stoner did that and thereby committed the wounding, as of course he did—there is no doubt about the wounding—and that that wounding was done with the intention of doing that which it did, and that which any person in his senses must have assumed it would do, that is, cause grievous bodily harm, if not kill—perhaps it is a wonder that the man did not die even earlier than he did—if you come to the conclusion that that is proved, then unless something else appears in the case Stoner is guilty of murder and no other crime. If you come to the conclusion that it is proved that Mrs. Rattenbury was present aiding and abetting Stoner in the commission of that crime, or that although she was absent or may have been absent at the time, yet she had counselled and procured, that is to say, advised, agreed with, suggested to Stoner that he should commit that crime, then as an accessory before the fact she is equally guilty of that murder.

Now I have used the word “proved” several times, and what is meant by that is this. You know, as you know many things which I am saying to you and many things which counsel has said to you you knew before you ever came into the jury-box, but you will understand, I know, that we all have certain duties to perform, and we have to perform them even though at times it may seem to be a little unnecessary. It is my duty to tell you, and I do tell you, that in this as in every other criminal case proof must be given by the Crown of every material fact which is necessary to prove the crime which they have alleged. It is never for the accused person to establish his innocence. It is necessary for the Crown to prove his guilt or the jury are obliged to say “The guilt is not proved and therefore we say not guilty.” Not guilty in this country does not mean in the least that the person has established his innocence, not in the least. Sometimes, of course, it amounts to that, in the case, you may say, of a person whose defence is, “I never was near the place at all, and I call witnesses to show that I was a hundred miles away.” It may be said that he has established his innocence.



## Rattenbury and Stoner.

Mr Justice Humphreys

That is not the way we look at it. A verdict of not guilty means no more than that the prosecution have failed to establish the guilt of that person, and therefore you cannot return a verdict of guilty, and the only other verdict is not guilty. The proof by the prosecution, it is said, must be proof beyond any reasonable doubt. I never think myself that that expression adds anything to the law as I have stated it to you, for what must be done is to prove a person's guilt, and if there is reasonable doubt about the matter, then the case has not been proved at all, and if the case has been proved the English language is clear enough to make it obvious that what is meant is that it has been proved beyond reasonable doubt. But it is the practice to say to juries, "Remember that the prosecution must prove the case beyond any reasonable doubt." That means, I suppose, that if in considering the whole of the matter you say now against this person "There is a case of the greatest suspicion, on the whole I think this accused person did this or that thing which he is charged with, but I do not know, I am not quite sure about it"—that means a reasonable doubt. The accent on the word reasonable does not mean to avoid what must always be a very unpleasant thing for a citizen to have to do, join in a verdict of guilty on a capital charge. It does not mean that you are entitled to conjure up fanciful doubts or say, "After all nobody saw this thing done, therefore we cannot say it was done," or anything of that sort. It only means dealing with the matter in the same way that you would deal with any important matter in your own life and your own affairs. If you say, "I know, I can see, I understand, the evidence shows me here the truth is this," act upon it. If you say, "Well, the matter is left in some doubt, I am not sure what is the real truth about the matter," then you solve the difficulty by saying "The prosecution have not proved the case beyond all reasonable doubt and we return a verdict of not guilty." That applies, of course, to the case of either of the accused. Although they are indicted jointly and have been tried together, and I may say that the five days' experience which I have had of this case has satisfied me that I was right in ruling that they should be tried together as they were jointly indicted—although they are being tried together your verdicts must be separate in regard to each of them, because in law it may be that on such an indictment as this one is proved guilty and the other is not proved guilty or they may both be proved guilty or neither may be proved guilty, but you must deliver a separate verdict in regard to each of them, and that verdict must be based solely on the evidence which is, as I direct you, evidence against that particular person, and for that reason we shall have a little later to deal separately with the case of Stoner and separately with the case of Mrs. Rattenbury, because there are statements in this case which have been given in evidence, which

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

are evidence against the person who made them and not evidence against the person who did not make them, and in whose presence they were not made. But there are, of course, first of all a number of facts which are common to the case of both of them.

The first thing that one, I think, should have in one's mind perhaps is this: who were the persons, what do we know about the persons who were living at 5 Manor Road on that fatal Sunday, the 24th March, last—5 Manor Road, Bournemouth? The deceased man was a gentleman of sixty-seven years of age, a retired architect living upon his savings apparently. His physical condition is described by Dr. Simmons who made an examination of his dead body, and therefore had an opportunity of seeing all the organs of his body, and he, as well as those who knew him, says he was a big man, just under six feet, strong for his age, all his organs were healthy—what we call a well-preserved man of a time of life when he cannot be called an old man, if old indicates decrepit or senile, but of course a man well past middle life. That was Mr. Rattenbury. He was described by Dr. O'Donnell, who knew him well, as a very charming, quiet man, not at all of a violent nature, and by Miss Riggs, who knew him, as a man who seemed to enjoy himself thoroughly in his quiet way. That is her expression. His widow has given us a less pleasant picture of her late husband. She says that he was mean about money matters—that may or may not be—and she says, moreover, that he was that very unpleasant character for which, I think, we have no suitable English expression, but which the French call *un mari complaisant*, a man who knew that his wife was committing adultery and had no objection to it—not a nice character. That is said by Mrs. Rattenbury, and it depends upon her statement and her statement alone. The next person living in that house is Mrs. Rattenbury herself. She was described principally by Dr. O'Donnell, who is the person who has given most of the evidence about this matter, as being always very excited, unstable—that means a little unbalanced—when in drink wildly excited, or when she was contradicted, if she did not get her own way, she would become wildly excited—a woman of strong will, apparently of strong passions, liable to get very excitable and very bad tempered if she did not get her own way, and particularly when she was in drink, not a woman who habitually drank too much, but a woman who at times had drinking bouts when she did drink much too much. She says of herself that she was fond of her husband although not intimate with him, and she says she was devoted to her children of whom she had two, one thirteen years of age by her former husband—Mr. Rattenbury was her third husband—and a little boy of six by Mr. Rattenbury.

Members of the jury, it is no pleasant thing to have to say anything about that woman's moral character, but even her own

## Rattenbury and Stoner.

Mr Justice Humphreys

counsel addressing you yesterday said things about her which must have been very painful for her to hear, if, indeed, she is a person who has any moral understanding at all; but it is necessary, and I agree with Mr. Croom-Johnson, and, indeed, it was not disputed that it is necessary, that you should form an opinion in your own minds of that woman's character, the sort of woman she is from two points of view. She has given evidence. Of the three people concerned in this tragedy one is dead and can give no evidence, one has preferred to remain in the shelter of the dock, and, although an admissible witness, has preferred not to give evidence, and so it is that as regards many of the matters in this case all that week—for my part I think that all the events of that week are of the greatest importance in this case—I mean the week beginning the 18th March and ending on the 24th March—the only person who has given evidence first hand about the events of that week is Mrs. Rattenbury, and therefore it is essential that you should make up your minds whether she is a person whose evidence you believe. Whether you believe part of it or whether you reject the whole of it, that to some extent must depend upon the view you take of the sort of woman that she is. It is also necessary that you should do that for this reason. It is the case for the prosecution, as I understand, that this woman is a woman so lost to all sense of decency, so entirely without any morals that she would stop at nothing to gain her ends, particularly her sexual gratification, and if that be true, then, say the prosecution, do you think that woman would stop at the killing of her husband, particularly if she had not to do it herself, if she were once satisfied that that would enable her to live the sort of life that she was living more comfortably or with less interference or prospect of interference. And so it is that it seems to me necessary that you should for yourselves have in your minds a picture of that woman, and there was one incident in this case which you may think is sufficient to show you the sort of degradation to which this wretched woman has sunk. You will remember that she gave evidence herself that she was committing adultery—she is an adulteress of course—regularly in bed with her husband's servant in her bedroom and that in that bedroom in a little bed there was her child of six, and counsel asked her: "Do you really mean that you chose that room when if you wanted to gratify your passions you could have gone into the man's room which was just along the passage and done it there? Did you really choose the room where your child was asleep?" And you will remember that the woman, who was in the witness-box, seemed surprised that any one should put such a question to her and her answer was apparently given in perfect good faith, "Why not? The little boy was asleep. He was a sound sleeper." Well, there it is. That is the woman, a woman who, having ceased, as she says, to have the ordinary relations with her husband, chose as her paramour a boy of seven-

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

teen, almost young enough to be her son—she was then thirty-seven. I do not pause to deal with the answer which she thought right to make or explanation she thought right to give in her evidence, “Oh, I thought at that time that he was much older,” because she had advertised for a boy between fourteen and eighteen, and he had answered that advertisement. Do you think it is likely that in answering an advertisement which required a boy between fourteen and eighteen he would go out of his way to say that he was of an age which was unsuitable? It is said that when she found on his eighteenth birthday that he was younger than she expected she desired to break off their relations. It was after that we have this orgy in London. That is the woman—a woman who tells you that she deceived her husband. She says she had to in order to get money, she had to lie to him, and she lied to some purpose at the end of March because she got £250 out of him by saying that she wanted it for a serious operation which had to be performed on herself—quite untrue—and then spent a great deal of it upon this man in a different station in life from herself, buying him such things as silk pyjamas at three guineas a pair. Members of the jury, having heard her learned counsel, having regard to the facts of this case, it may be that you will say you cannot possibly feel any sympathy for that woman, you cannot have any feeling except disgust for her, but let me say this. That should not make you more ready to convict her of this crime; it should, if anything, make you less ready to accept evidence against her. If you think there can be any explanation consistent with her innocence of that crime, I know you will not let it prejudice you against her. So far as it is material evidence in the case you must use it, and if it is against her, if it shows that she is the sort of woman who might well have the motive to do this, then you must use it because that is admissible evidence, but beware that you do not convict her of this crime of which she is accused because she is an adulteress, and an adulteress, you may think, of the most unpleasant type. Now that is Mrs. Rattenbury.

The other person in the dock, Stoner, is a person for whom no one can fail to feel regret that at the age of eighteen he should be in the position in which he now sits. He is given a good character by all those who knew him up to the time when he came across Mrs. Rattenbury. He is said to have been at first a backward boy. I do not think there is much in that because his father said that he improved very much after he left school and became an apparently strong and healthy boy—a quiet and reserved boy, one not given to going about with girls—a quiet, well-behaved lad. You will remember—it is my duty to remind you—that you must try him according to the law of this country just as you must try her according to the law of this country. You have no more right to refuse to give effect to evidence in his case from motives of pity than you have a right to refuse to give effect to evidence in her

## Rattenbury and Stoner.

Mr Justice Humphreys

case which may be in her favour, because you thoroughly dislike her, but it is a pitiable thing that that youth should have been brought to this pass, and I do not think I am putting it unfairly against even her when I say whatever your verdict may be in this case his position is due to the domination of that woman over him. It is a pitiable thing that he should be in that position.

There was one other person living in that house, Miss Riggs. You saw Miss Riggs giving evidence in the witness-box, obviously very fond, genuinely fond, of Mrs. Rattenbury, who seems to have been very kind to her; indeed, they were rather on the terms of two great friends than the terms of mistress and maid. They called each other darling, and Miss Riggs, I do not suppose you will doubt—again, I do not think I am saying anything unfair to anybody when I say it was quite obvious, at least, to me, that she should do everything that she could to help and rightly, I am not blaming her for it, the woman who had been kind to her, that is Mrs. Rattenbury. She does not like Stoner. She had been there some few years, I think, and when Stoner came her position was a little less close to her mistress and friend, Mrs. Rattenbury. Stoner rather took the place which she had had—I am not, of course, talking about sexual matters, but took the place in the affection of Mrs. Rattenbury which she had got, and it was quite clear, and she was quite frank about it, she did not like him. Whether that has tinged her evidence in this case or not is entirely for you to decide, but it was suggested by the questions put in cross-examination by Mr. Casswell; that that suggestion was made is quite clear. There she is and she really is a very important witness in this case.

In this case murder being charged, the first question you have to decide, obviously, is: are you satisfied that murder was committed by anybody? The cause of death in the case of the late Mr. Rattenbury was given to you in evidence by Mr. Rooke, the surgeon, and he told you that there were three wounds upon his head, one was on the left side just above the left ear, an irregular wound with jagged edges,  $3\frac{1}{2}$  inches long, and so severe a blow was it that the bone was driven into the brain, the bone of his skull, forming what the doctors call a depressed fracture of the skull. That, by itself, was quite sufficient to, and did, cause death eventually. There was a second wound practically on the mid-line at the back of the head. That was a wound which went down to the bone. There was a third wound, round to the right, which was of the same nature as the second. That involved, said Mr. Rooke, three separate blows from some blunt instrument. The direction of the principal wound was such that the direction of the blow was from the back to the front: there is no question about that, he says. He gave what I have no doubt was most convincing evidence about why it must be so. Of course, it is quite possible for a person, if he wants to do it, to stand in front of somebody, and by reaching his arm over that person to deliver a blow like that, which will be a

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

blow from back to front; it is perfectly possible. It is not a medical question. No doubt you could do it if you wanted to do it. But looking at this in the ordinary way and assuming it was not a performance by somebody who wished to give a performance but something which was a blow by a man who wished to injure Mr. Rattenbury, it was done by a man probably behind Mr. Rattenbury or possibly at the side. I do not think it matters in the least. The blow was fatal within a few days and it resulted in the death of Mr. Rattenbury, just the same whether it was delivered from the front or from behind. That was the cause of death and there was no other cause of death, and there was no indication either there, I mean, upon the body or in the room, of there being anything in the nature of a struggle at all, and the picture which is presented to you by the prosecution—and I have heard nothing to the contrary from the defence—is a picture of a harmless old gentleman sitting in his chair, perhaps asleep, perhaps just dozing, perhaps—we do not know—reading, and this violent attack with some heavy instrument three times repeated upon his head, which resulted in him dropping like a felled ox, covered with blood; and although everything was done that was possible, that was little, he died. He died at half-past eight on the morning of the 28th, that is four days after. It depends whether you are calling it night or morning, but at all events, the 24th was the date of the injury, in the evening, at all events, not earlier than nine and not later than half-past ten, and he died at 8.30 of the morning of the 28th.

Now the weapon, the mallet which you have seen and felt, it is suggested, was the weapon. That is suggested because there was found upon that mallet, not only traces of blood and a piece of skin, but hair which can only be identified as hair and can never be identified as being the hair of Mr. Rattenbury, but which is said to be identical with the hair of Mr. Rattenbury. There is other evidence that it was probably the weapon. It was in fact hidden by somebody that night, with that blood, that skin and that hair upon it, and was found at a quarter-past six or half-past six the next morning by a police officer. It is suggested that that is the weapon. You have felt the weight of it yourselves and you can judge whether you accept the evidence or not of the medical men who say that it is such a weapon as would be likely to cause the terrible injuries from which this gentleman suffered. The cause of death then was in those injuries. You must be satisfied before you can convict anybody in the matter that those injuries from which this gentleman died were felonious injuries, that is to say, that the assailant not only wounded him, but wounded him intending to do grievous bodily harm. Members of the jury, you will decide the matter for yourselves. I can only say that, to me, it seems waste of time to discuss the question of whether anybody could ever deliver three blows on the head of a sitting man of that nature, without intending to do grievous bodily harm, and there is an end

# Rattenbury and Stoner.

Mr Justice Humphreys

of it. I am not speaking now of the question whether the man was mad, or anything of that sort. I will not say a normal person, because normal people do not commit crimes of this sort; but assuming he was a person in possession of his senses, can you conceive any circumstance in which a person could deliver blows of that kind without intending to kill a man or, at least, to do him serious bodily injury? If he did, then that constitutes the felonious wounding, and if from that felonious wounding Mr. Rattenbury died (and the doctors said he did) then I say the crime of that person is murder.

This story starts a little earlier than the events of that night of the 24th March. We know that on the 18th March Mrs. Rattenbury told her husband that she had to undergo a serious operation in London, and, for that purpose and also for the purpose of paying some bills, but probably for that purpose, she wanted an unusually large sum of money. She used to have, I think, regularly, £50 a month, and in answer to Mr. Croom-Johnson, she said that one way or the other the money that she received—I do not think she had anything of her own, or only some very small amount she got from time to time, presents from her mother—the amount that she used to receive from her husband was about £1000 a year. I think that is so. On this occasion she wanted £250, and she got it from him. We have her own evidence as to how she got it. What we have from other people is that she did get it, because there is his cheque which goes into her account, and on that date she drew on her account that cheque, the cheque for £50, which she gave to Stoner, and he cashed it principally in £5 notes, and with that money or, presumably, some of it, those two go to London together. They stayed under the pretence of being brother and sister in two different rooms, but in fact they slept together, and on the 19th March they spent the day, or part of it, at Harrod's Stores, where there was put down to Mrs. Rattenbury's account something over £40-worth of clothes of different sorts, which she was providing for this young man, not as her chauffeur but as her lover. Those facts are undisputed; they are proved. They stayed in London together for four days, the 19th, 20th, 21st, and 22nd, and in addition to the money spent at Harrod's, apparently, there was a ring which was bought for Mrs. Rattenbury, so she says: Stoner bought it, but apparently she gave him the money. That appears to be the result of the evidence. That brings us to the events of the 24th March, but before we come to the 24th March, let me ask you to consider this question: do you believe that you have been told the truth and the whole truth about that visit to London by anybody? Here were these two people being absent from Mr. Rattenbury and his home for four days. It is true that Mrs. Rattenbury has said that he was a man who, although she had never told him, yet she believes, suspected her relations with

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

her chauffeur—or his chauffeur—and raised no objection. He was a mean man, she says, about money. Do you think, is it even suggested, that he was a man who would willingly find large sums of money for her to spend upon her lover? Do you believe that while they were in London the future was not discussed? What were they going to do when they got back? Could life go on in the same way? Would not something have to be done with, or to, Mr. Rattenbury? Would he not ask, "What about my £250; how much did the operation cost you; did you have the operation; if so, where? I hope you are better for it." Or, if he was so callous and disinterested a husband that he would not be expected even to ask about the operation, at least, as a mean man would not you expect him, and would not they expect him—that is the point—to make some inquiries about the money? Do you think that those two persons in London imagined that life could go on just the same after their return, after an absence of four days, as before? We have not heard a word about it from Mrs. Rattenbury and most remarkable of all, I want to remind you now of what she said happened when she got back. They got back on the 22nd, the Friday night, I think it would be. This is what she said. This was a question put to her and her answer:

"(Q) Did you get back to Madeira Villa on Friday night?—(A) Yes, about half-past ten. (Q) With Stoner?—(A) Yes. (Q) Was your husband in?—(A) Yes, in bed. (Q) Did he ask anything—that was her own counsel putting questions—"Did he ask anything about what had been happening?" and the answer was, "No, he always was jolly late at night. (Q) When you say he was jolly"—says Mr. O'Connor—"I think he used to take a little whisky at night?—(A) Yes, always. (Q) About how much?—(A) He drank quite a lot."

Then she went on to describe how on the Saturday she went to the school to bring little John home, and in the afternoon she went with him to see his half-brother play football, and so forth, and she said on the Saturday evening—

"(Q) On what terms were you with your husband on the Saturday evening?—(A) Quite all right. (Q) What did you do?—(A) I think we played cards: I think it was just the same as any other night."

Do you believe that? Do you believe that after that absence of four days Mr. Rattenbury never asked a question as to what had happened in London? and if you do not believe it, if it seems to you to be utterly incredible, then, has Mrs. Rattenbury told you in the witness-box the truth, the whole truth and nothing but the truth, or has she not?

I come to the events of 24th March. Again, it is not important, I think, to discuss what happened on the morning. I do not think anything happened of importance in the morning, and if it did I shall find it when I come to Mrs. Rattenbury's evidence. I do not think there was anything of importance. At four o'clock



## Rattenbury and Stoner.

Mr Justice Humphreys

or so in the afternoon Miss Riggs went out and she did not return until a quarter-past ten, so that the persons in the house, apart from the little boy—and I do not want to refer to the little chap again—were Mr. Rattenbury, Mrs. Rattenbury, and Stoner. Between eight and half-past that night Stoner was at the house of his grandparents who, apparently, live a few doors off his parents, not fairly close to Bournemouth,  $3\frac{1}{2}$  miles away, and he was borrowing a mallet—that mallet which you have seen. He said that he wanted it to drive some tent pegs in. We know that there was no tent; there was a sort of sun shelter, which was used in the summer, and it was not up then, and, said Mrs. Rattenbury, there was no attempt to put it up then. It was the 24th March, mind, not July or August. We know what use was made of that thing, which, in fact, was borrowed by someone. He left at half-past eight, according to his grandmother, apparently returning home. If that is so, he would get back, I suppose—it is  $3\frac{1}{2}$  miles—somewhere before a quarter to nine; it would not take him very long in the car, and then there would be in the house himself, Mrs. Rattenbury, and the deceased Mr. Rattenbury. The case for the prosecution is that the injuries to Mr. Rattenbury were occasioned some time between then and a quarter-past ten, when Miss Riggs returned. It cannot be proved, in the sense of any witness being called to say that was the time. It is a matter which you must, if you think it necessary, deal with by way of inference from all the facts. I do not know that it is really very important to know what time it was, but Miss Riggs coming back at a quarter-past ten, let me remind you of what she said about this matter. She says “I was expected back about ten, in fact, I got back about a quarter-past ten; the place was in darkness, everybody gone to bed, or apparently gone to bed. There were no lights and I went straight up to my room, and after five or ten minutes in my room I left the room.” If you recollect, she left her room more than once. On one occasion she went downstairs. It is not very clear, at least, to my mind, on which occasion it was that she saw Stoner, but on one of those occasions, in fact, when she was out of her room, I think she said the reason was she went downstairs because she was rather hungry, and she went down there to get something to eat; but on one occasion, when she was out of the room, she saw Stoner looking over the banisters, and she said “What is the matter; what are you coming out for,” and the answer was “Oh, nothing, I was just looking to see if the lights were out.” Then, she said, she returned to her room—if that was the first occasion—or she had again returned to her room for the second time; but on the occasion when she did go downstairs, she was, for some reason or another—we cannot inquire further—a little troubled in her mind, a little apprehensive that something had happened, and she heard heavy breathing, breathing coming from

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

some room. She was not sure whether it was from Mr. Rattenbury's bedroom, which you will remember was next to the drawing-room. All those matters I have not troubled to remind you of are in your minds.

I have no doubt, and you have plans and photographs if you want to look at them, but it came from the drawing-room, and for some reason, perhaps a little oddly, perhaps it was a little nervousness, having gone into Mr. Rattenbury's bedroom and turned on the light and seen that he was not there, from which it would seem to follow that he would be in the drawing-room, she did not go into the drawing-room at all, but she went upstairs to bed, and she left that heavy breathing apparently going on in the drawing-room. She says that it must have been, so far as she could calculate, and, of course, she is not to be held, nor are we to be held, to any matter of time with any great accuracy, but she thinks that would be about three-quarters of an hour after she first came in; that would be about eleven o'clock. That is her idea, and it was as she got back again and just got into bed, or at all events, had only been in bed a short time and had not got to sleep, that Mrs. Rattenbury came into her room and spoke to her of ordinary household matters, ordinary matters of conversation, and incidentally mentioned that she had arranged to go with her husband the next day to Bridport, to stay with a gentleman named Jenks, who was a friend of his. There is no doubt that she had telephoned to Mr. Jenks and had made that arrangement. Whether it was a real arrangement that was to be carried out or not, of course, is entirely a matter for you. I say nothing about it. She had in fact done that. After a few minutes' conversation she left. Then five or ten minutes after that, said Miss Riggs, "I heard someone coming downstairs hurriedly, and directly after that there was a call from Mrs. Rattenbury which brought me out of my room. Instantly I rushed downstairs into the drawing-room and there was Mr. Rattenbury in his chair injured—that one word is sufficient to describe it. Mrs. Rattenbury was in pyjamas, no doubt the same dress that she had on when she was talking to Miss Riggs in her room. As a matter of fact, she seems to have used those pyjamas, no doubt with some underclothing beneath them, during the day, and used them as a sleeping-suit at night, the same pyjamas, according to Miss Riggs, that she had seen her in at four o'clock in the afternoon when she went out. She said she was in a very terrified state "and I"—said Miss Riggs—"at once rushed to the telephone to call up Dr. O'Donnell, fetched a bowl and a cloth and bathed the eyes." She was naturally in the belief that it was a blow on the eye that had caused the black eyes, as she called it, that he was suffering from. It was not so in fact, but it was the result of the injury at the back of the head which had caused

## Rattenbury and Stoner.

Mr Justice Humphreys

internal injury to the eye; but that is not material. Then she described how both of them called out for Stoner. You may think it would be natural to call out; any woman would call out for the only man in the house in those circumstances to come and help. She says they both did. "Stoner came down and he helped, and I rather think the doctor helped too, and I think the taxi-man who brought the doctor helped to carry the poor gentleman into his bedroom; he was a big, heavy man," and so forth. Then something was done to clear up the mess in the drawing-room, Mrs. Rattenbury saying that she did not want her little boy to see any blood when he came down in the morning.

That is the account Miss Riggs gives you of the events of that night. She gives other evidence which I am not going to refer to at the moment, because it relates to statements made by one or other of these people in the absence of the other, and I am going to deal with those statements (I am just reminding you of them) separately as against the prisoner in whose case the statement is made. She was cross-examined, first of all, for Mrs. Rattenbury. She said, first of all, "we were very happy together and Mrs. Rattenbury seemed very friendly with her husband. I had known for some time that Stoner was the lover of Mrs. Rattenbury." She seems to have made no concealment about it. She told Riggs, she told her doctor, "Mrs. Rattenbury told me that her life had been threatened by Stoner." You may think that really amounts to nothing now. These two people quarrelled—it would be expected, would it not, that they would quarrel, having regard to their relations; the sort of relations existing between them lacked the one thing which makes for ordinary peaceful happiness between married couples, and that is mutual respect, and without it it is not unlikely that there would be quarrels between two people under such circumstances; and they did quarrel. But you will not believe, I think—I do not think eventually it was really suggested even by Mrs. Rattenbury—I do not think you will believe as against Stoner, that he ever threatened the life of Mrs. Rattenbury, in the sense of making a serious statement that he intended to kill her. She speaks of a quarrel in February which she says was at night. First of all, there was a quarrel in Mrs. Rattenbury's bedroom between these two, and then it went on when they both went to Stoner's bedroom. She said "Stoner had hold of Mrs. Rattenbury and I separated them, and she was rather scared." She said that Stoner used to carry a dagger about with him. I do not know what the significance of that is, if anything. He certainly never used it or attempted to use it, and no one has suggested he did. It may have been a bit of play-acting; we do not know anything about it; Stoner has not given us any information about it. All Miss Riggs says is that he used to carry a dagger about, whatever that means.

## Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

She says that he, Stoner, took away with him on the 25th March (I suppose he went home to see his people) a box which was labelled "Air pistol." Whether it had got any air pistol in it or not, we do not know. Then she gives evidence about the dog being let out at night, the practice being that one of them would let out the dog; very likely Mrs. Rattenbury would let out the dog and then would go to bed and the husband, if he stayed up, would let the dog in and shut the window. She gives evidence, which I have already referred to, about Mrs. Rattenbury's drinking habits. She said that Mrs. Rattenbury, when she came into her room, was a little excited, apparently excited about preparations for Monday. She did not look as if she knew of her husband being injured. She said the sound of the person going downstairs was the sound of some one hurrying, and it was almost directly after that that she heard the call from Mrs. Rattenbury of "Irene," and then when she got downstairs, she said Mrs. Rattenbury was in a different condition. She called out, amongst other things, "Oh, poor Ratz, what has happened?" "She was impatient with me." What did not improve her condition was that she was drinking whisky continuously. Then she told us how Stoner was sent for the doctor, and he came back much later; in fact, he came back before long, but she did not see him; he did come back, in fact, in a short time, although she did not see him for some hours apparently. Then she speaks about doctors coming and going, and she says when the police arrived Mrs. Rattenbury, who had been steadily drinking, was in a terrible state and she behaved like a drunken woman. That is all one can say. She tried to kiss the policeman, and behaved in that sort of way which was compatible with her being at that time in a drunken state, as well as, perhaps, very upset. Many people, particularly women, are very upset by the sight of blood, and there was a lot of blood about there, but you may think that drink was probably the main cause of her condition. She says "When the police came back again late in the morning, I could hardly understand what Mrs. Rattenbury said at times." She mentioned the deceased's son. She speaks about her in the morning not wanting to get up until she had some coffee. She said she had some coffee; "I made it for her; then I helped her to the bathroom, and after having a bath she wanted to go to sleep." Then she gave evidence about statements. In cross-examination for Stoner, she said "Mrs. Rattenbury sometimes stayed up all night, so did I; I did not think anything of it. I went about with her as a friend and we used to stay at hotels until Stoner came; then not so much. These two began sleeping together, I think, a month after Stoner came. It hurt my feelings. When Stoner slept with her I was not pleased." Then she said that on one occasion in October, 1933, Mrs. Rattenbury had a sudden attack. "She used to have attacks. She was very excitable and ran

## Rattenbury and Stoner.

Mr Justice Humphreys

about and then became drowsy, and then she went to bed." The object of those questions, it turned out, was, it was being suggested on behalf of Stoner, that Mrs. Rattenbury was addicted to drugs. You will remember that afterwards an attempt was made to suggest that a little hypodermic syringe, which was found in her room, was used by her to give herself injections of some drug, cocaine, morphia, or something of that sort, and that a drawing which was found somewhere was a drawing showing a person who was addicted to drugs. Well, all that comes to absolutely nothing. It is only fair to this woman to say there is not a rag of evidence that she was ever addicted to drugs, and whether Stoner was, or whether he was not, if he was there is certainly no evidence that he got the habit from her, because all these things—I am not going to spend time going through them with you—you will remember they were all exploded and it appeared perfectly clear that the reason for the hypodermic syringe was that their boy of thirteen had to have some injection—not this sort of thing—strychnine or arsenic, or something of that sort, and the drawing was not her drawing at all, but it was her son's drawing. There is really no evidence at all that this woman was addicted to drugs at any time.

Then she was asked about the events of this night, and she said, in answer to Stoner's counsel, "I went into the deceased's room because I had an idea that there was something wrong. The drawing-room door was open; I did not go in there because I thought he was asleep in the chair." She said, in answer to questions by Stoner's counsel, "The deceased, Mr. Rattenbury, knew nothing of Stoner's relations with his wife," and then, in answer to myself—I put a few questions; I did not take down the answers at the time, but I think this is sufficiently accurate—she said she did not take the threats which had been referred to seriously at all, the threats which she said she heard Stoner utter about Mrs. Rattenbury. She said she was satisfied that Mrs. Rattenbury's condition on the night of the 24th was due to drink, and not to drugs; that she never saw Stoner drunk, except on a later occasion—which I will refer to; it was two days later. He did get very drunk, apparently, but up to that time she had never seen him drink at all. She said that the deceased was a healthy man who enjoyed himself in his own quiet way.

I think that is the whole of the evidence which relates to both these people, and I now come to deal with the case of one as distinct from that of the other. I think it would be convenient if I dealt first of all with Stoner, because he seems to be alluded to, at all events in this case, as the person I have referred to as a principal in the first degree. You will remember with regard to Stoner that when he came down that night he was at once sent off for the doctor. He did not get the doctor—they probably crossed each other, the doctor coming in a taxi-cab. So Stoner

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

returned to the house, and he then made himself useful in different ways. Then he was sent off with the car to the nursing home, but he did not know the way, and he wanted to know the way, quite probably to bring somebody back, so he was to follow the ambulance. He drove the car to the nursing home and there he waited. At 2.45 he was seen by Inspector Mills asleep in this car, in the driving-seat of the car. I do not know whether you draw any inference of any sort or description from that fact. I suppose it is what five out of six chauffeurs would be found to be doing if they had been up for some hours at a quarter to three in the morning; if a man has been waiting a long time for his employer, he just goes to sleep. Perhaps it was referred to upon that issue of his being under the influence of cocaine; we have heard something about that; there is no reason to think he was at all. He was apparently just asleep, and the police officer saw him. At this time there is no doubt of these two things; there was not the smallest suspicion on the part of the police that he had anything to do with this murder, and he certainly did not volunteer anything to the police to that effect. Nobody who saw him suggests that he was in other than a perfectly ordinary condition; nobody noticed that he was either drowsy or excited or noisy, or misbehaving himself in any way, or showing any emotion or anything else; he was just the ordinary, well-behaved servant, as far as people could judge. He returned from the nursing home, bringing Dr. O'Donnell, at half-past three in the morning. At half-past three, on his return, he was seen by Inspector Mills, who was then making inquiries, and in view of a statement which had been made to Inspector Mills, Inspector Mills asked him this question: "Have you seen any mallet about the house?" The answer was "No, I have not seen any mallet at all," which you may think was quite untrue. Then, at half-past seven in the morning the inspector, having been watching Mrs. Rattenbury for some time and having made up his mind—I think quite rightly—that Mrs. Rattenbury ought not to be questioned—at all events, any statement she made would be quite worthless, having regard to her condition—occupied himself there taking statements from anybody who could give him information, and one of them was Stoner, not in the least as a suspected person, and he invited Stoner to give him any information he could.

That is what Stoner said. The copy is Exhibit 40. The original is written down in the inspector's notebook. He said "I retired to my bedroom about 8.5 p.m. on Sunday, 24th March, 1935"—8.5 p.m.—you shall have this, members of the jury, if you like. Being in writing, it can be given to you. You shall have copies of it if you do not mind. I would rather you did not have it in the original book. There is a reason why. There are things in that book which are not evidence in this case, and

# Rattenbury and Stoner.

Mr Justice Humphreys

therefore I do not want you to see them, but you shall have copies of these statements so far as they are in writing. This is what he said: "I retired to my bedroom about 8.5 p.m. on Sunday, 24th March, 1935, leaving Mr. and Mrs. Rattenbury and the boy John in the drawing-room. About 10.30 p.m. I was aroused by Mrs. Rattenbury shouting to me to come down. I came down into the drawing-room," and then he talks about blood and so forth. He says "Mrs. Rattenbury was crying and screaming and said to me 'Help me to get Ratz into bed, he has been hurt.' I then took the car and went to Dr. O'Donnell's house. He had left before I got there. When I returned, I cleaned the blood from the floor on the instructions of Mrs. Rattenbury. Mrs. Rattenbury was sober and as far as I know she had not been drinking. When I went to bed, she was in a normal condition." It is possible that he may have meant by that "Up to the time I went to bed she was not drunk." He said "I have never seen a mallet on the premises. Until I was aroused, I heard no sounds of a quarrel or a noise of any kind. Since September, 1934, I have been employed by Mr. and Mrs. Rattenbury; they have been on the best of terms. I said to her"—"I," Stoner, said to her—" 'How did this happen?' She said 'I don't know.' Mr. Rattenbury was fully dressed in the armchair, and Mrs. Rattenbury was dressed in pyjamas and bare feet." That was his statement at that time.

The next statement that is attributed to him comes from Miss Riggs. Miss Riggs said this. It was in cross-examination, when she was being cross-examined on behalf of Mrs. Rattenbury, and this fact was brought out, if it is a fact. Miss Riggs said, "Quite true that later on"—she thinks it was on the Tuesday, she is not quite sure—"Later on I asked Stoner if his fingerprints would be on the mallet, and his answer was 'No, I wore gloves.' " She also said "I told Stoner of a message which I had to give him from Mrs. Rattenbury." So we must have what Mrs. Rattenbury said: "Mrs. Rattenbury said to me 'Tell Stoner he must give me or get me the mallet.' " That was when she was leaving for the police station. Whether it could have been meant or could have been understood to mean "Bring to me at the police station the mallet," I do not know, or whether it merely means "Get the mallet." At all events that is what the witness, Miss Riggs, said she understood Mrs. Rattenbury to be saying. "Tell Stoner he must get me the mallet," and so she gave that message to Stoner, but then as soon as she had given it, and before Stoner could answer, she said, "Oh, I remember now the police have got the mallet." They, in fact, had found it. So much for that. She also said that on this morning of the 25th—what I have been referring to was a little out of time—in fact, it happened on the Tuesday, but on the Monday morning, said

## Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

Miss Riggs, "Stoner said to me, 'I suppose you know who did it,' and I said 'Well'"—there it is, cryptic, perhaps you can understand it. The next statement in regard to Stoner also comes from Miss Riggs and comes in the same circumstances, cross-examined on behalf of Mrs. Rattenbury. She said, "On Tuesday I asked Stoner why he did it," not whether he did it, but why he did it, assuming therefore that he had done it, and his answer was because he had seen, not heard, the deceased Mr. Rattenbury living with Mrs. Rattenbury that afternoon. That is my note. If counsel's note does not agree with it, I shall be glad to know because the note I took was not "heard" but "seen"—because he had seen Mr. Rattenbury living with Mrs. Rattenbury that afternoon. She says that conversation took place during the drive which she had on Tuesday with Stoner when she went to some place, Bridport, or some place like that. The importance of that perhaps is obvious.

Mr. O'CONNOR—Your lordship is perfectly right.

Mr. JUSTICE HUMPHREYS—I thought so. First of all, you will remember a good deal was said to you on behalf of Stoner about hallucinations. It was suggested that he suffered from the hallucination—he is a cocaine addict, and the proof of it is he told somebody "I heard Mr. and Mrs. Rattenbury living together"—I understand that meant having connexion—"that afternoon." It was suggested that must be a hallucination. The point of this is, "I saw them." Do you think that is a hallucination? If he said that to Miss Riggs, do you think he intended to convey to Miss Riggs that "I saw them actually in the act," or did it mean that he saw those people together that afternoon and formed the opinion that they were behaving as husband and wife? That is all. Is it conceivable that he could have intended to convey to anybody or thought himself that those two people, husband and wife, on a Sunday afternoon were performing the sexual act with a door open so that people could look in and see them or in the drawing-room where people could come and look through the french windows? Is it conceivable? Is not the only feasible explanation that the man meant "I saw things which made me believe that they were doing that," and he may well have said on another occasion "I heard things which made me believe they were doing that?" The importance of the matter, of course, is that if you believe Miss Riggs, Stoner is there saying in terms that it was he who inflicted these injuries on Mr. Rattenbury, because, in answer to a question which assumes that, the question which is "Why did you do it?" he gives the reason why he had done it. There it is. That comes from Miss Riggs and not from Mrs. Rattenbury.

The next statement which is said to be made by Stoner is also on the Tuesday and it also comes from Miss Riggs and this she gave in



## Rattenbury and Stoner.

Mr Justice Humphreys

examination in chief. She said that on the 27th March she went out for a short time; she came back in the evening about half-past ten, and she saw Stoner in his bedroom. At that time he appeared to be very drunk. I think we have had evidence from a policeman that he was actually called in to see Stoner; he was so drunk. I do not think it was explained why he was called in, but he was called in and, therefore, was able to see that Stoner was terribly drunk that night, and the witness says while in that condition he said this: "Mrs. Rattenbury is in jail and I have put her there and I am going to see her to-morrow and give myself up." I think we may say that he did go—there is evidence that he did, I do not think it is disputed—to see Mrs. Rattenbury next day. He did not give himself up and he did not make any statement to the effect that he had done anything for which he should give himself up. That is what this lady says. He was, in fact, arrested on the 28th March on his return from London, where, as I say, presumably he had been to see Mrs. Rattenbury, and upon being arrested and told of this charge, his answer was "I understand." Then on the 29th March, the next day—

Mr. O'CONNOR—I think perhaps your lordship made one very slight mistake there, if I may correct it at once.

Mr. JUSTICE HUMPHREYS—Yes.

Mr. O'CONNOR—I do not think there is any evidence that Stoner did see Mrs. Rattenbury in jail.

Mr. JUSTICE HUMPHREYS—No, you are quite right. If there is the least dispute about it, I am glad to be corrected. Mr. O'Connor is quite right. The evidence is that he said he was going to see her in London in prison. He, in fact, went to London, because it was on the train that he came back in from London that he was arrested. I think probably that was what happened. It may not be; he may not have seen her at all. Mr. O'Connor is quite right.

On the 29th—we had evidence from Police-constable Gates—Stoner was then at the Police Court where evidence either had been given or was going to be given on the charge, and he, Stoner, said to this police officer, "You know Mrs. Rattenbury, don't you?" The officer said "Yes, I do." He said "Do you know Mrs. Rattenbury had nothing to do with this affair?" and the officer very properly cautioned him, and he went on, "When I did the job, I believed he was asleep"—that means Mr. Rattenbury—"I hit him and then came upstairs and told Mrs. Rattenbury. She rushed down then. You see I watched through the french window and saw her kiss him goodnight, then leave the room. I waited and crept in through the french window which was unlocked. I think he must have been asleep when I hit him; still, it ain't much use saying anything. I don't suppose they will let her out yet. You know there should be a doctor with her when they tell her I am

## Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

arrested because she will go out of her mind." Then he made a reference to his parents. That statement was one made in the absence of Mrs. Rattenbury and is not evidence against her, and not being evidence against her it is not evidence in her case, but it has been read to you by Mr. O'Connor in the defence of Mrs. Rattenbury. I am not troubling about the irregularity of the matter in the least, although, strictly speaking, it is not evidence and Mr. O'Connor would have been very angry indeed if anybody had tried to use it against his client. I am not complaining that he read it to you, and although he said he read it for a different purpose, of course the importance to Mrs. Rattenbury is that Stoner was then saying "Mrs. Rattenbury had nothing to do with this affair." Well, there it is. That is the case against Stoner with the exception of the evidence of Mrs. Rattenbury, because, although what one person says in the absence of another is not evidence against that person, any evidence that is given at the trial on oath is evidence for all purposes. So when Mrs. Rattenbury went into the witness-box, for good or evil, what she said is admissible as evidence in the case as a whole. Mrs. Rattenbury, you will recollect, gave evidence in regard to Stoner. I will not read you her earlier evidence, but I will read you that part of her evidence in which she speaks of the events of that night so far as Stoner is concerned only. She says that after Miss Riggs had come in and spoken to her and so forth, "I went back to bed. I was expecting Stoner and later Stoner came in. I did not notice anything at the moment about him." That means nothing unusual about him. "He got into bed with me. He then became agitated and said 'I am in trouble about something.' I said 'What?' He said 'I cannot tell you.' I said 'You must tell me.' " That went on, she said, backwards and forwards, he saying "I cannot tell you," and she saying "You must tell me." "Then he said that he hurt Ratz." I do not follow that was the exact expression. It is not the man's expression, it is the woman's expression, that he had hurt Ratz, and he said that he had hit him on the head with a mallet which he had hidden outside. She was asked "What did you do?" She said "Nothing." I think she added that her brain did not seem to quite take it in or something of that sort, but very soon afterwards she said "I heard Ratz groaning and I at once went downstairs and in the drawing-room I saw my husband in the chair," and so forth. That is her account as to how she got to know of this matter, and her account of what she says her fellow-prisoner said to her on that night that he had done. I only pause for a moment to say: you will observe there, if her evidence is regarded by you as of any value, that she does not suggest any failure on the part of Stoner to remember what he had done or any indication of his being under the influence of any drug or anything of the sort. Apparently he was making that statement to her. That is

## Rattenbury and Stoner.

Mr Justice Humphreys

what she says. I left out something. I think she said that the first thing he said was "You won't go to Bridport to-morrow. I have hurt Ratz." That is the case in regard to Stoner until we come to the defence. Mr. Casswell said to you, in opening the defence of Stoner, that he had a difficult task, and that the solicitor instructing him had a difficult task to perform—you may well believe him—and he said to you that the first thing the solicitor did, having got Stoner's story, was to go and see a gentleman who lives in Bournemouth and practises there, Dr. Weatherly. It was Dr. Weatherly who, I will not say provided, but produced the evidence which formed the basis of the defence of Stoner.

Members of the jury, as I intimated to you yesterday, a little mistake was made by those who thought that Mr. Casswell in his address to you intended to say that his client admitted striking the blow. It would be quite improper for counsel, who was not going to call any evidence, to say anything of the sort, and it is not what Mr. Casswell meant at all. All he meant was that, it being the case for the prosecution that they had proved in one way or the other that it was Stoner who struck the blow, he was not in a position to, or at all events did not intend to, call evidence to contradict it, and therefore that he did not propose to address you on that part of the case, and he had to leave it there. That is all he meant. Counsel is not in the position in a criminal case when his client has pleaded not guilty to make admissions on his behalf, and assuredly not in such a terribly important matter as that his client has actually done the thing for which he is being tried, and therefore you must pay no attention to that. As I rather expected would be the case, I noticed, as I left the Court last night, that those newspapers which seem to regard this sort of terrible tragedy as a godsend to them had found one thing, and one thing only, in the course of the day which was fit to be put upon their posters, and that was "Stoner's counsel says he committed the crime." That is just the danger of that sort of thing—the one thing which appeared on the posters. The defence of Stoner, as I understand it, is this. First of all, Mr. Casswell says, quite rightly, the prosecution must prove not only that Stoner did deliver these blows, but that the wounding which he caused was felonious wounding, that is to say, that he intended to do grievous bodily harm at least, or else to kill. Mr. Casswell says "I do not complain, I cannot contend that you could have any possible doubt about that in the case of a person who was in full possession of his senses." And, of course, that is so. As I have already said to you, it would be a waste of time to discuss whether you or I hitting a blow like that, or rather three blows on the head of a sleeping man, could have any other intention than to injure him seriously. Of course, it would be nonsense to suggest anything different. A man is presumed to intend the reasonable consequences of his act. Mr. Casswell says "I invite you to say that Stoner was in such a condi-

## Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

tion at that time when he did it"—all this is, of course, upon the assumption which I am not going to refer to again, that he is proved to have done it—"was in such a state that he was incapable of forming that intention." And he relied upon a decision in a case, a very different case from the present one in which it was laid down as law, not I think at all for the first time, by the House of Lords that if a person is proved to be in such a state of drunkenness, hopeless drunkenness—delirium tremens was suggested—that he was incapable of forming any intention at all, then if he is incapable of forming an intention the jury may say the prosecution have not proved that he did form an intention, the intention to kill or do grievous bodily harm. It was a case in which a man had committed a dreadful rape upon a child and stopped the child from crying out by putting his hand upon her mouth, "not because this man intended to kill the child, but because he killed that child in the course of committing this terrible felony of rape upon the child. That is why he is guilty of murder." And that was right, but his defence was "No, I did not because I was so drunk that I was incapable of knowing what I was about." The House of Lords pointed out in that case that the best proof that the man was so drunk was that he did the thing that he meant to do—one of the best proofs. I will read to you a line or two from the judgments in that case. This is what the Lord Chancellor, giving his opinion in the House of Lords, said: "Evidence of drunkenness which renders the accused incapable of forming the specific intent essential to constitute the crime should be taken into consideration with the other facts proved in order to determine whether or not he had this intent. That evidence of drunkenness, falling short of a proved incapacity in the accused to form the intent necessary to constitute the crime, and merely establishing that his mind was affected by drink so that he more readily gave way to some violent passion, does not rebut the presumption that a man intends the natural consequences of his acts." In this case it is not said that Stoner was drunk, but it is suggested by learned counsel—I cannot say this was given in evidence by anybody—that you ought to find as a fact that at that time he was in such a state, owing to something which may have taken place in this case, drunkenness in that case, here is a drug, that you ought to say that he was incapable of forming that intent. That is based upon the assumption, first of all, that he is what is called a cocaine addict—that is a person who has habitually for some time been taking doses of cocaine, not of course medically—you will understand that, although the gentleman from Guy's seemed to have some little difficulty—taking it illicitly in the way that the drug addicts do, that he was a drug addict, and, secondly, that he had taken a very large dose of it on that afternoon. Here I have to point out to you something which you may think is the most

# Rattenbury and Stoner.

Mr Justice Humphreys

important fact about that matter, and perhaps is conclusive, and that is that there is one human being who knows whether Stoner was in the habit of taking cocaine or whether he was not, and whether, if he took it, he took it frequently or once or twice, or all the rest of it, and whether he took it on that afternoon, and that person is Stoner himself. Nobody suggests that he is insane; nobody suggests that he is suffering from the effects of any drug at all. He is an admissible and available witness, and if he wishes, or those who defend him wish, to prove that he is or was addicted to drugs, had ever taken cocaine, was then under the influence of cocaine, is there any witness on earth who can do it as well as Stoner? That is, as it seems to me in the circumstances of this case, a fact of the most profound significance: Stoner prefers not to give evidence. His learned counsel told you that he had decided not to call Stoner—indeed, that was obvious, that it was upon his advice—you may think very good advice too—that Stoner did not give evidence, because I have no doubt you noticed, we all noticed that when learned counsel called “Mr. Stoner,” meaning the father, the son stepped out and actually left the dock with the permission of the jailer in order to give evidence. But there is that fact that the person who of all others could, if he desired, give you first-hand evidence on that subject has not done so. Now where does this idea of cocaine come from? It seems to originate in a statement made by Mrs. Rattenbury to Dr. O'Donnell. She told Dr. O'Donnell on a date which I have not in mind at the moment—somebody can supply me with it.

Mr. HAWKE—February, my lord.

Mr. JUSTICE HUMPHREYS—That Stoner who had been to London had told her, first of all, that there was some sort of medicine which he had to take a few times a year, two or three times a year, to make his head normal, whatever that may mean, and then had told her that he was in the habit of taking cocaine. So she told Dr. O'Donnell and Dr. O'Donnell saw Stoner and said to Stoner “Is this correct?” and, according to Dr. O'Donnell, Stoner said “Yes.” It was brought out from Dr. O'Donnell in cross-examination on Stoner's behalf. He said “I saw Stoner the next day. He admitted taking cocaine. I offered to help him to overcome the habit. He did not accept the offer,” and he said that he had been up to London the day before to get cocaine, but had failed. He refused to say where the place was that he tried to get it. He said further “As far as I could judge from his appearance and manner, and so forth, Stoner seemed quite normal. I saw no indication of his suffering from cocaine poisoning and I made no further inquiry about the matter. I did not ask him how long he had been taking it,” and so far as one could judge the doctor did not think the matter very serious because he just left it there. He said “I saw no sign that he

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

was a person given to doping." You know what that means. That is the evidence of Dr. O'Donnell. I am not sure whether it was Dr. O'Donnell or some other witness who said that Stoner told him that he had originally acquired this habit from having seen cocaine in his parents' house.

Mr. O'CONNOR—Dr. O'Donnell, my lord.

Mr. JUSTICE HUMPHREYS—Well, that seems to be quite untrue, if you believe the father's evidence, quite untrue. The next person who gave evidence about it was Mrs. Rattenbury, and Mrs. Rattenbury said this—the first part of the evidence which relates to cocaine is that "He told me that he had to take medicine three times a year for his head. He also told me that he was taking to drugs. Then I spoke to Dr. O'Donnell." Then she says later on—it is cross-examination on behalf of Stoner—she was asked about this occasion when cocaine was mentioned and she said "It was after November that he first spoke to me about drugs. He had spoken to me about his head in November. He assured me when he spoke to me that he was taking less and he seemed to get better. He then became jealous. He did not like drink and objected to my drinking. On the 12th February I had become alarmed because he was agitated and said he must go to London to get the drug. He was better after that, although he said he could not get it, he had failed to get it; he had stopped it." That was Mrs. Rattenbury's evidence about it.

Now we get to Dr. Weatherly, and Dr. Weatherly is a gentleman of whom nobody would believe for an instant who knows him that he would say anything in the witness-box which he did not thoroughly believe to be true. He is a gentleman who might be described as experienced, because you see he has been for sixty-two years practising as a doctor, and he says he has specialised in mental diseases. In the course of his life he has had three cases of cocaine poisoning to deal with and several cases of people suffering from other drugs. In April he saw this man when he was at Dorchester Prison. Let me remind you that he was at Dorchester Prison from the 29th March when he was arrested and kept somewhere else for one night—from the 29th March up to the 14th May, and it was on the 8th April that he saw him at Dorchester. There was a medical officer in charge of the prison at Dorchester. No request was made to that medical officer to keep an eye upon this young man because it was believed that he was a drug addict or to make inquiries of him—I mean the sort of inquiries which would indicate whether he had a craving which is commonly known, and there is evidence in this case that it is so, to be characteristic of a person who has become an addict—they have a terrible craving for the drug and become very ill if they are deprived of it. Nothing was said to the doctor, and the evidence of the doctor is that he had not the

## Rattenbury and Stoner.

Mr Justice Humphreys

least reason from this young man's appearance, appetite which was good, condition of health which was good, sleep, which is most important, which was good—not the least reason to suppose that he was a person who was suffering from any addiction to a drug at all, or otherwise than a perfectly healthy person. But on the 8th April Dr. Weatherly came. He said "I examined him. I found both pupils were dilated and they did not react to light, and that is consistent with cocaine taking. He was not mentally deficient, he was a bit backward because his education had been neglected. He was anæmic, he had a poor circulation, and I definitely concluded he was a cocaine addict." Why do you think that gentleman came to that conclusion? He was very anxious to tell us all that Stoner had told him—that would not be evidence—Stoner might have told you—you might have taken that into consideration. In this Court we like to have, and can only have, the best evidence. The best evidence here would be that of Stoner—if he wished to give it—but nobody could make him give it. He then said "He described the effect of cocaine which lasted some hours. He described the hallucination of touch as a rash under the skin which seemed to move about. That is typical of cocaine. If he took fairly large doses once a week I should expect that sort of result"—that is that imaginary feeling under the skin—"in three months. Other hallucinations may occur as of sight or of hearing." He is now speaking in general. "Cocaine causes exaltation at first and as that passes off, great mental irritability. It would have a very weakening effect on the reason and judgment of the person who is addicted to it." There is no one, I suppose, in the medical profession who knows better than does this gentleman, Dr. Weatherly, what in law amounts to insanity, and this was the most he could say: "It is possible that the reasoning processes may be inhibited." That means to say that cocaine would have a weakening effect on the judgment and reason of the person who took it, and it is possible that the reasoning processes may be inhibited, that is to say, lessened or may cease altogether. "The effect is similar to chronic alcoholism and it may cause unreasoning jealousy." In cross-examination the only note I have got of the answer of the witness was that people may get jealous who are not cocaine addicts, and that I suppose most of us know. That is the evidence. You will observe that it is very general. It shows that, first of all, this gentleman came to the conclusion that, partly from what he was told by Stoner and partly from what he observed himself, Stoner was a person who had been taking cocaine. Whether he would have come to that conclusion apart from what he was told by Stoner is certainly a different matter, and he says that if it was true that he was an addict, which, of course, means something more than taking cocaine once or twice, then it may be, he said,

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

that it would probably cause exaltation and it might make him very depressed and violent tempered afterwards, and it might have a weakening effect on his reason and judgment. Now, in all that do you find the slightest justification for saying that when Stoner, if he did, struck those three blows on the head of Mr. Rattenbury he did not know what the effect was likely to be? That is the question. Can you with every desire to do justice, with every desire to assist this young man if the law and the evidence permit it—can you say that there is anything in that evidence which would justify you in saying that, although he was perfectly sane—I am assuming for the moment he is sane—I will say a word about that—that he was at that time in such a condition that, although he knew what he was doing and knew he was battering the man's head in, he was incapable of forming, because he was so drunk in the other case—cocaine in this case—incapable of forming an intention to injure? There it is. That is the evidence.

A gentleman was called from Guy's Hospital, a very distinguished gentleman, a psychologist. At Guy's Hospital he says he has been given care of a few cocaine addicts as patients. He saw this man upon a date which he gave us—last Saturday—last Saturday he saw the accused in Brixton. He was not asked the question whether he found any symptoms about him of cocaine addiction. Perhaps it is too long ago—I do not know. At all events he was not asked the question, but he gave you what may or may not be interesting evidence to you about people who are cocaine addicts. He said the principal symptom of cocaine taking is what he called oscillation of moods. It is an odd thing that these scientific gentlemen will use such difficult words. I suppose he means a person becomes unstable so that at one moment he is violently excited and the next moment violently depressed and so is in a state of oscillation. I suppose that is what he means. He said "The effect of a dose on an addict would be very likely to be exaltation for perhaps two hours and then depression and morbid irritability with lack of appetite and insomnia." The whole of the evidence, members of the jury, definite evidence, medical evidence, is that this man never suffered from loss of appetite and never suffered from insomnia from the moment he was arrested up to the present time.

Then he said "Hallucination is found in cocaine addicts. The effect on a male person is often morbid jealousy. Addicts may misinterpret what goes on around them. It may affect the power to weigh the pros and cons of the situation." Then the learned counsel got as near as he—I will not say dare—as he thought desirable to the all-important point upon the section of the defence which is insanity, and he asked the doctor what would be the effect upon the man's mind, what might be the effect on the mind



## Rattenbury and Stoner.

Mr Justice Humphreys

of a cocaine addict of a large dose—what about his mind—some question of that sort—and the answer was definite “consciousness would be clear,” by which I understand the doctor to mean the person would be perfectly conscious of what he was doing, but his power to weigh the pros and cons of the situation might be lessened and an addict would be less likely than another to consider the consequences of an act. He also said—I do not know whether it is of any importance in this case—cocaine speedily results in sexual impotence. He was then asked about something which perhaps you could judge as well as he could, whether regular and repeated connexion in the case of a boy beginning at seventeen, who had led a quiet and decent life from a boy up to then, might account, without any question of drugs, for his being pale and seeming tired and so forth. You know the sort of life that this young man was leading, certainly new to him, this sort of excitement, which you may imagine would result from his relations with this woman. Do you think you want to go further than that to explain that he looked ill and rather worried? Is it not rather to his credit that he should be worried? There it is. That is the evidence of this expert. There is other evidence: there is the evidence of the doctor at Brixton, Dr. Grierson, as to where this idea originated. That this young man had had a large dose of cocaine on the afternoon of the 24th apparently originated in a statement to Dr. Grierson. As I have already said to you, I am afraid more than once, it does seem to me to be of paramount importance in this case, if it was wanted to be proved that that was true, and it is quite obvious that Dr. Grierson said it, there is the person who could prove it. He told to Dr. Grierson an astonishing story. He said that he had had two eggspoonfuls of this stuff which he called cocaine. Was it cocaine? He was asked to describe it, and he said it was brown powder with black specks, and no doctor who has been called in this case has ever heard in his life of cocaine, which is a white crystal substance or powder, ever being mixed with any brown powder. The suggestion is that if it were mixed with a brown powder these detestable criminals who go about selling to people at high prices in order that they may make illicit profit would cease to make a living because people would not buy it: they want “snow” as they call it, they want something which they recognise as cocaine, or they would not buy it. Do you think it was cocaine at all that this young man had? If so, it is a remarkably bad description that he gave of it. Dr. Grierson is only able to say that from the 14th May to the present he has shown no evidence of sleeplessness, want of appetite, or any of the things that you would expect. Finally, he and Dr. Roche Lynch, who has made a study of this as he has made a study of many other poisonous substances, because he is an analyst, say this: There is one thing which is eminently characteristic of a drug addict: if you cut him off suddenly from

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

supplies of the drug which he has a craving for you are bound to find an effect upon him at once. He will become, he may become, seriously ill; he will show it in loss of appetite, particularly, says Dr. Grierson, in loss of sleep—that is very important—and it would be perfectly obvious to any medical man that there is something seriously wrong and then you begin to inquire, and so forth. There is complete lack of evidence in this case of anything of the sort. There it is. So much for the suggestion which you will have to deal with, that the prosecution have failed to prove that the prisoner, if he was the person who struck these blows, did so with intent to do grievous bodily harm.

Mr. CASSWELL—Your lordship said the basis of this was a statement to Dr. Grierson. My lord, the defence did not know of the statement to Dr. Grierson until this trial started.

Mr. JUSTICE HUMPHREYS—I thought he told me so.

Mr. CASSWELL—I only say it because your lordship said the basis of this statement.

Mr. JUSTICE HUMPHREYS—I mean the members of the jury who are trying this case have only one piece of evidence called before them which gives the smallest indication that there ever was such a dose taken, and that is the evidence of Dr. Grierson who says that the prisoner told him that. That is the whole evidence about it. That is all that I meant. I think Mr. Casswell agrees that that is accurate. With regard to that part of the case I am dealing with that very shortly because I have come to the conclusion, and it is my duty to deal with the matter, that there is no evidence, and I so direct you as a matter of law—no evidence upon which you can come to the conclusion in this case that the accused Stoner, if he was guilty of this crime, was insane at the time so as not to be responsible in law for his actions. The law in regard to this matter is that—these are a few lines from a judgment of the Court of Criminal Appeal upon this very matter: “the jury ought to be told in all cases that every man is presumed to be sane and to possess a sufficient degree of reason to be responsible for his crimes until the contrary be proved to their satisfaction, and that to establish a defence on the ground of insanity it must be clearly proved that at the time of the committing of the act the party accused was labouring under such a defect of reason from disease of mind as not to know the nature and quality of the act he was doing, or if he did know it that he did not know he was doing what was wrong.” The nature and quality of the act have been defined and explained as meaning no more than this, that he knew what it was he was doing. If a man is so insane that he hits at somebody's head with an axe, believing that he is cutting down a tree, then he does not know what he is doing, but thinks he is cutting down a tree. That is what is meant by not knowing the nature and quality of the act, does not know what he is doing. That is the law and you will

# Rattenbury and Stoner.

Mr Justice Humphreys

observe that there must be some evidence from which a jury can reasonably draw the conclusion, and it is not right that such an issue should even be left to the jury unless there is some evidence. I have looked through this case with care. I cannot find a ray of evidence which would justify me in leaving to you the question whether it has been proved that this young man was suffering from such a defect of reason through disease of the mind that he did not know on this occasion what he was doing, and still less any evidence to suggest that he thought that what he was doing was a right and proper thing to do, that he did not know the difference between right and wrong. The nearest person to express any sort of opinion about the matter was Dr. Gillespie. I have read to you his answer which makes it quite clear that in his opinion it might be said, even assuming everything which is to be assumed in favour of this young man about cocaine, that there is no ground for supposing that he would not know what he was doing, "consciousness would be clear," and it is no answer and does not amount to insanity in law so as to make a man not responsible for his acts, that his resistance should be weakened or that his power of appreciation should be lessened. Therefore I have to tell you that, so far as that defence is concerned, you are bound to reject it upon my ruling. That is all I desire to say with regard to Stoner.

With regard to Mrs. Rattenbury, I can deal with her case, I think, shortly now that I have dealt with the many important matters that affect her in conjunction with her fellow-prisoner. The remaining matters which affect her are merely her statements. The first statement which she made about this matter was made to Dr. O'Donnell and it was made quite early. Dr. O'Donnell would be speaking of the time as nearly as possible of twelve o'clock—I think after he had rung up Mr. Rooke—it does not matter for a few minutes, but the first statement is round about twelve o'clock, and it was at that time that Mrs. Rattenbury made a statement to him as to the events of that evening. At that time it is right to say she was, according to the evidence of Dr. O'Donnell, very excited and inclined to be intoxicated—she then had a whisky and soda in her hand and she said this: "We had a very happy evening"—that means she and her husband—"We arranged to go next day to the Jenks and Mr. Rattenbury" (her husband) "was pleased at the idea of the visit. He showed me a passage in a book about suicide," and then she tried to show the doctor the passage, but he brushed it aside and said "I am not interested in that, I have no time to bother about that," and he did not look at the book and he did not look at the passage, so he stopped her. It is curious that she referred to that much later on, to his having shown her a passage in a book about suicide, but that is all she said at the moment. She went on to say "I had gone to bed early and was wakened by a cry or noise, I am not sure which." She said "I came down at once and found him lying back in his chair with

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

a pool of blood on the carpet," and then she spoke of his teeth on the carpet. That is her first account and it seems to be a perfectly clear statement. Whether she was or was not really under the influence of drink, or to what extent, I do not know—you will judge—but it seems to be a clear connected account and certainly does not indicate that she had the least idea when she came down that her husband had been attacked by any particular person or that she knew all about it, nor does it indicate that she had any part in the matter or was in any way blameworthy.

Now the next one is made to Bagwell, who was the first police officer on the scene. He said when he came it was two o'clock, two hours later. At that time she was—he used that well-known police expression—under the influence of drink and he asked her for information. At that time I do not think he had any ground for suspecting anybody particularly, but wanted information and she gave him quite readily this information; she said that she had been playing cards with her husband that night until about nine o'clock, and then she went to her bedroom and at about half-past ten she heard a yell. She came down, saw her husband in the chair, sent for the doctor and so forth. That is her account to him. I think I am right in saying that the next account was given to Inspector Mills. I think I said at one time we would inquire whether it was the same account heard by two people or whether it was not. It is not sufficiently important to trouble about because it is in effect the same thing. Whether told to somebody else who gave exactly the same time, two o'clock, a few minutes after or before, or whether it is actually the same statement does not seem to matter. Mills's account of it was this. He refers to the woman as having been drinking. He says her statement was "I was in bed"—if you recollect he did not hear the first part of it—"I heard groaning, I came down, found my husband in the easy-chair. He was unconscious with blood flowing from his head," and then he asked the question whether the window was open or not, and he was told it was locked and so forth. So far up to two o'clock in the morning she had been perfectly consistent in her statements which amount to this: "I know nothing whatever about it. I cannot give you any assistance. I only know that I came down after a happy night with my husband, I came down and found him hit. That is all I can tell you." At half-past two, according to Bagwell, she made quite a different statement, one which you will have to deal with. She suddenly said to him "I know who did it," and then he stopped her and cautioned her, because now she was altering from her position of a person who was giving mere ordinary information—she was saying something about herself which made it necessary that she should understand that she was not obliged to make any statement at all, and the caution is

## Rattenbury and Stoner.

Mr Justice Humphreys

given in such terms that it is rather a kindly suggestion, I think, that "Perhaps you had better not." That is what it amounts to: "You can if you want to, but you had better not." She, however, continued: "I did it with a mallet. Ratz has lived too long. It is hidden"—that is the mallet—"No, my lover did it." Then she refers to the chair. She says, "I would like to give you £10. No, I won't bribe you." Members of the jury, the question is not whether she now remembers having made that statement or whether she does not. It does not seem to me, except upon the question of credibility, that it matters whether you believe her when she says "I have forgotten the earlier statement." The medical evidence is to the effect that she may well have forgotten if she was given, as she was some time after this, morphia, but there is no reason to suppose she would forget what happened earlier in the evening. It does not seem to me to matter from the point of view whether you believe her evidence or not. The question is, first of all, did she say this, and, secondly, what inference do you draw from it if she said it? Do you draw the inference that it was a true statement made by a person who was telling the truth, or that it was a wholly imaginary statement made by some person who did not in the least know what she was talking about, or do you come to a conclusion somewhere half-way between the two? Let us see what it was. "I did it with a mallet." If you accept what may be called, I think, the generally accepted evidence in this case, that was untrue. She had not done anything with a mallet, but she knew, according to her own story, who had done it with a mallet. "Ratz has lived too long." Does that indicate to you, if the woman knew what she was saying, that she was regretting her husband's death, or she could not help it coming out, that she was glad? "The mallet is hidden": she might have known that in many ways. She says the only way she knew was that Stoner told her so. Then there is the sudden outburst: "No, I did not do it; my lover did it." She said "If I said that, I said it because my lover had told me upstairs that he had done it." And then the idea of bribing the policeman and then saying she would not bribe him, you may think is an indication, of which I do not think there is any doubt at all, that by this time the woman was in a state—it is too strong to call it intoxication, but semi-intoxication, not drunk in the police sense, which seems to mean hopelessly drunk, but suffering from alcohol to such an extent that it would be very unsafe to rely in the matter of accuracy upon anything that she said—the babbling of a drunken person. Whether you draw from that statement, if you are satisfied that she made it—of course, there is no dispute Bagwell swore to it and made a note of it in his pocket book—Mrs. Rattenbury says she does not remember whether she said it or not—if you believe she said it, it is entirely

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

for you what inference you draw from it. You obviously cannot draw the inference that she is telling the truth in this statement, because there are two directly opposite things in it—they cannot both be true—"I did it—no, my lover did it." It is entirely a matter for you. That is the statement she made. Then the next statement is that which comes from the evidence of Inspector Carter.

Mr. O'CONNOR—My lord, there is one to Mills.

Mr. JUSTICE HUMPHREYS—I have dealt with Mills.

Mr. O'CONNOR—There was another one to Mills at 3.30.

Mr. JUSTICE HUMPHREYS—I beg your pardon, yes, there was. I am much obliged to you. It is very short. This is at half-past three, and she is slightly worse than before, her condition, according to Mills. He said to her "Your husband is in a critical condition," and her answer was "Will this be against me?" There is something of importance—"Will this be against me?" I do not know that you can draw any inference from that one way or the other. Then she was cautioned and she did make this statement: "I did it. He gave me the book. He had lived too long." She said "Dear, dear, I will tell you in the morning where the mallet is. Have you told the coroner yet?" She seems to have made two or three references to the coroner—curious—"I shall make a better job of it next time. Irene doesn't know. I made a proper muddle of it. I thought I was strong enough." Now, again, the first question is: are you satisfied that she said that? If she did, did she know what she was saying in the sense of knowing what words she was uttering? If she did, what inference do you draw from the statements? That really is a matter for you, and I think it is better I should not comment further upon it. One thing, of course, is perfectly obvious, that it is a muddled, inconsistent statement, and comes from the mind of a person who, as far as we know—we have not any definite evidence—seems to have been going on drinking since twelve o'clock, at all events an individual who was now worse than she had been at half-past two or two o'clock, when the inspector had seen her—she seems to have been pretty far gone in drink. There it is. You must draw such inference from it as you think right.

Then the next thing that happens is that Inspector Carter arrived at four in the morning. This woman is given a dose of morphia; that was by Dr. O'Donnell, and about that time, near enough I think, she is put to bed. Apparently she sleeps until six o'clock in the morning, and then she wakes up and as soon as she wakes up she makes a statement. When I say makes a statement, I mean she says something which the Inspector writes down in his book. Then she is still lying on her bed, apparently it is before the restoratives—if that word can be used in regard to them—the

## Rattenbury and Stoner.

Mr Justice Humphreys

bath and the coffee, walking about and so forth, had been applied. She says something to the inspector. I think there is no ground for complaining of his conduct, or saying he acted improperly here, although I think he was mistaken. I think he quite reasonably thought: here is this woman, I was told that something she said I must not pay attention to because she has been given morphia, and when she began to make a statement Dr. O'Donnell said "You cannot take a statement from her now; I have just given her morphia and she is not in a fit state to do this." Having been given the morphia, you will remember she immediately jumped up and followed the doctor downstairs. Having regard to that, the inspector said "I do not think it is fair to use it in evidence." He made a mistake in not informing the Director of Public Prosecutions that that statement had been made by the accused, and that he had it in his notebook. It is not for the police officers to decide in a case which has been placed in the hands of a competent legal authority like the Director of Public Prosecutions, or in the hands of any other, what is admissible in evidence and what is not, or what should be given and what should not. Their duty is to give all material to the authorities and let them decide. But, as I say, I am not blaming the inspector. He thought he did it for the best. He thought, quite rightly, that no credence ought to be attached to what the woman said under those circumstances; but when two hours later, at a quarter-past eight, she was, as no doubt she was or certainly appeared to be, better, he thought it fair to take a statement from her. I do not think anybody will say that that inspector did not honestly believe that the woman was in a condition to make a statement, and no doubt she was in a condition in this sense. You have seen her signature. The evidence is that the statement was read by her, and read out to her. She could write perfectly well and she appeared to be all right. She signed it, and I think you will agree that her signature there is quite as good as, if not better than, some of the signatures that one has seen of hers upon other documents. It is not the sort of drunken scrawl which sometimes, I do not suppose you have, but I have seen as a result of tests made by doctors of people who are alleged to be drunk, when they are asked to write their names at the police station. They begin here and end down there. This is a very good signature and the inspector thought she was in a state to make a statement. Dr. O'Donnell, who knows much more about these matters than a police officer, says he saw her—he did not see her at half-past eight, but later in the day, and he says: "I, who know that I had given her half a grain of morphia, say to you on my responsibility as a medical man that it would not be safe to attach any importance to anything that woman said while under the influence of that drug, which I am satisfied as a medical man persisted up to and after 8.15 that night." That is his evidence and I am quite sure I am voicing the view you yourselves

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

would form that it seems to me that, after that evidence, it would be very unfair to form any conclusion against the woman on the ground of a statement made in those circumstances. It is quite a different statement from the statement which she had made when she had merely taken some whisky. She had been intentionally drugged with a very large dose, and that is the opinion of that medical man, and if it wanted reinforcing, it would be reinforced, I think, by the evidence which, unfortunately, we could not have, because I am sorry to say that Dr. Morton, who is a distinguished public servant, is far too ill to give evidence in this Court. If he had been well enough, he, as the most experienced doctor-governor of the prison where she had been confined, would have given you this evidence (that is why the document was read to you). We know he would have given you this evidence, and therefore, by agreement with everybody in the interests of the accused persons, the rule of evidence has been relaxed, and that which normally could not be allowed in evidence has been allowed to be given in evidence. What the doctor said was this; this is his report, a report not given on the question of this woman's capability of making a statement, but merely because every person charged with a capital offence may, and it is the experience of judges, very often do, set up, as a defence, insanity. It is becoming a common defence in cases where the facts do not allow of any defence upon the facts; and so there is a rule that the medical officer of the prison shall specially watch over a person charged with a capital offence, and, finally, make a report to the Court (it is not to the authorities; it is to the Court), in order that the Court may have material for deciding whether that person is fit to plead and stand his trial, or whether a jury ought to be sworn on the question whether he is sane or insane. That is the reason for the report.

After stating some facts, the opinion of Dr. Morton is this: "During the first few days of her reception to prison she was suffering from some form of confusion of mind, the result of alcohol and, possibly, a large dose of morphia. And the confusion of mind was that she was confused and kept repeating the same sentence over and over again; that being on the 25th March. On the 28th March she was better and appeared to have forgotten what she had said and how she had behaved on the previous days since her reception." If that had been, as it would have been, the evidence of Dr. Morton, I am sure that I am only saying—and I am not saying it as a legal matter at all, I am only suggesting it to you for your consideration—that it would be unfair to base any verdict against her upon any admission or anything that woman had said after she had been given that dose of morphia and before she was taken to prison when, according to Dr. Morton, as well as Dr. O'Donnell, she had not recovered from the effect of that morphia. Having said that, I have



## Rattenbury and Stoner.

Mr Justice Humphreys

no power and no desire to withdraw that statement from evidence; it is in evidence; it is one of the documents which you are entitled to have and look at for yourselves. You have heard it. If you draw any inference from it, I cannot say you are not entitled to. I can only give you such assistance as I desire to and I may be able to, which may be of some help to you in arriving at a verdict, and it is from that point of view that I suggest, it seems to me, not merely as a lawyer, to be something that would be not quite acting in accordance with the fairness which I suppose, one may say, is characteristic of our Criminal Courts. There it is; I say no more about it; I am not going to refer to it again, or say anything more about it. There it is and it is one of the documents in the case which you are entitled to have, if you desire it, and you are entitled to read it. If you read it, you are entitled to form such opinion as you think right about the statements in it, having regard to what Dr. O'Donnell has said and Dr. Morton inferentially had said about that statement. There is the statement which she made. Members of the jury, I leave that statement. I would just remind you that you have the evidence of Police-constable Bright who formed, and it is not remarkable that he did form, the same opinion as to the lady's condition as his superior officer. You also have the evidence of Miss Riggs. Miss Riggs said, with regard to Mrs. Rattenbury—I think it was elicited by Stoner's counsel in cross-examination; no, it was apparently by Mrs. Rattenbury's own counsel—before going to the police station, "Mrs. Rattenbury said: 'Tell Stoner he must give me the mallet.'"

I think I have referred to it already. That is the one other statement which she made which has been given in evidence. Before you return your verdict, I think it would be right in the interests of this woman that I should read to you quite shortly the evidence which she herself gave in Court, or my notes of it; it is not very long, and as we have now arrived at the ordinary hour of adjournment, I think the best course to pursue would be that I should reserve that until after you have had your lunch. You will necessarily, I think, take some time in considering this matter and discussing it among yourselves, and there is no reason why you should do that in the ordinary interval. Will you oblige me by not talking it over during lunch; do not do that. Just talk about other things and then, when I have read to you Mrs. Rattenbury's evidence, you will be free to discuss the whole matter.

(Adjourned for a short time.)

MR. JUSTICE HUMPHREYS—Members of the jury, I have been reminded, quite properly, that I did not say anything to you about what your duty would be if you did not come to the conclusion

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

that although Stoner delivered those blows which killed Mr. Rattenbury, he did so without intending to kill or to do grievous bodily harm. Perhaps I ought to have said to you—learned counsel was quite right; it is material—in saying that, under those circumstances, Stoner would not be guiltless, but he would be guilty of the crime of manslaughter, because manslaughter consists in the crime of unlawfully killing a person, without any intention of injuring him seriously, of course, without any intention of killing him. Perhaps I ought to have added that to complete the law.

I am now going to read to you Mrs. Rattenbury's evidence. She said "I was twice married before marrying the deceased. My boy Christopher was at school; he had glands and had arsenic injection for glands, which I gave him. For that purpose I used the syringe which has been produced." If you look, incidentally, at that syringe, it would appear to you that it had not been used for a long time and is entirely unfit for use now. It is not by any means clean. It seems to bear out what she said that it was used a long time ago and has not been used later. Then the drawing was put to her by counsel, and she said that was Christopher's drawing. "I have not lived with my husband since the birth of the boy John. Our relations were happy and cordial. We had quarrels, but not frequent quarrels. In July, 1934, he had spoken of suicide. He had often spoken of suicide and I said 'Why don't you do it.' He lost his temper and hit me." That was in reference to a matter which had been spoken to by Dr. O'Donnell, which he saw at that time. She said "My husband was not very generous and I used to tell him lies in order to get money out of him. In September, 1934, Stoner came as chauffeur"—I think he was called chauffeur-handyman—"at £1 a week. In November I became his mistress, before he came to live in the house. We used regularly to have connexion. My husband must have known of it because he told me to lead my own life. I told him I was going to lead my own life, and later I had said I had taken him at his word and was leading my own life." It may be said that she said he told me to lead my own life. That is what she says; she thinks he must have known. Then she said: "I used to quarrel with Stoner. I paid his wages on Monday. The deceased never asked to see my pass-book at all." Then there was something about a man's watch. She said "That was my father's watch and I lent it to Stoner; I did not give it to him. I never gave Stoner money to buy drugs. Early in the year I wanted to sever our relationships because of the difference in our ages. There was no serious threat by Stoner to me. He told me he had to take medicine three times a year for his head. He also told me that he was taking drugs. Then I spoke to Dr. O'Donnell about it. I have never taken drugs. On the 18th March I got £250 from the deceased, the excuse being that I was going to London to have an operation."

## Rattenbury and Stoner.

Mr Justice Humphreys

Then she was asked about the ring—all this is in answer to her own counsel—the ring, she said, was for me, not for Stoner. “We stayed together in London”—in fact, sleeping together. And there her evidence in chief ends, so far as that visit to London is concerned. The next question was “When you got back, did you get back on Friday night,” and the answer was “Yes.” “(Q.) Did your husband ask any questions about where you had been,” and the answer was “No; he was very jolly; my husband drank whisky at night; he used to drink a good deal. Little John came home for the week-end. On the 24th March, the Sunday”—she said other things about the week-end, but I will not trouble you about them, about football, and so forth, and she said Saturday was just an ordinary normal day, no reference made by anybody to what had happened for the last four days. Then, “On Sunday morning I was very nice to my husband because he was depressed. I took him for a drive; he was still depressed.” If he did know or suspect what had been happening, perhaps it would not be remarkable that he should be depressed, or even angry. She said: “I stayed in that afternoon. After lunch my husband was asleep in the drawing-room and then we all had tea together, brought up by Stoner in my room. The door of the bedroom was closed for a time.” My impression is that she said that that was quite unusual, that the ordinary practice was that the door was left open, but for a time on that occasion it was closed for a time. She said: “My husband was reading a book; this was about a quarter to five, upstairs and he was depressed. In the book there was a character who was supposed to say that he thought of committing suicide, and that that would be the best thing to do before he became”—I think her expression was “dodderly”—“before he became very old. My husband said that he admired a person who could commit suicide. I suggested various things to cheer him up, including a visit to Mr. Jenks. I, in fact, telephoned to Mr. Jenks and arranged that visit. That was after six o'clock. While I was telephoning”—the telephone in fact was in the husband's bedroom downstairs, the room next to the drawing-room—“Stoner came in with something in his hand, which I thought was a revolver. My husband was in the drawing-room at that time. Stoner was very angry and he said he would kill me—not my husband—if I went to Bridport. We then went into the dining-room together. He accused me of living with my husband when the door upstairs was closed.” My note of her next statement is: “I said ‘Put that revolver up; do not make an ass of yourself,’” which I suppose indicates that she said “Nonsense,” or something of that sort. She said: “He was very annoyed at my going to Bridport; he did not want me to be with my husband. He was jealous. He thought I should have to share the same bed. I assured him that I would have a separate room. He then seemed to believe

## Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

me and to be all right. I went to the drawing-room to try and make him jolly. I then got his clothes out. About half-past seven John went to bed. I then played cards with my husband. I let the dog out through the french window and then closed the window. I went to bed at 9.30 exactly. I kissed him goodnight. I went upstairs to the lavatory and when I got back to my bedroom the dog was there." That means that the husband must have been alive at that time, because he must have let the dog in and closed the window afterwards. She said: "I took off my clothes, my underclothes, put on my pyjamas, and got out some things for packing. I did not hear Riggs come in, so I went to see her and I spoke to her of our going to Bridport. Then I went back to bed. Later Stoner came in. I did not notice anything at the moment about him. He got into bed with me and he then seemed agitated." Then I have read to you this next passage, but I will read it again. "He said 'I am in trouble.' I said 'What is it?' He said 'I cannot tell you.' I said 'You must,' and that went on. He then said 'You won't go to Bridport,' and he said he had hurt Ratz. He said that he had hit him on the head with a mallet which he had hidden outside. I did nothing until I hear Ratz groan, then I went at once downstairs. In the drawing-room I saw my husband in the chair." Having regard to all the detailed evidence which has been given about the blood and so forth, learned counsel quite naturally said we need not go all through this again, we can take this part very shortly, and all that she said was that she tried to make her husband speak. She said: "I yelled for Irene; I took some whisky to prevent me from being sick, but I was sick after drinking the whisky. I do not remember the police coming that night at all. I do not remember sending for Dr. O'Donnell and I do not remember his coming." I think she added that she remembered nothing until after she had been before the magistrates next morning. She remembered nothing of the happenings of that night after she helped her husband by putting a towel round his head. Then she said "I did not know anything of the murder until Stoner told me." That means of the assault, "until Stoner told me." She was then cross-examined on behalf of Stoner, and she said "It was on the 22nd November, 1934, I first had connexion with Stoner." These answers very often are not very illuminating, because one has not got the question. It is a sort of narrative and it loses a great deal from being read if you have the answer only without the question. Some question was put to her: "It was you who wanted this young man," and the answer was "No, it was mutual." That is all I have. "I fell in love with him. He told me about drugs some time after November. I think in November he told me about his ailment"—that is to say, taking something three times a year for his illness. "He assured me he was taking less, and he seemed to

## Rattenbury and Stoner.

Mr Justice Humphreys

get better. He became jealous. He did not like drink"—did not care himself, I think that means for drink—"and objected to my drinking. On the 12th February, 1934, I had become alarmed because he was agitated and he said he must go to London to get the drug. He was better after that, although he said he could not get it. He had stopped it. He originally said he was twenty-two; I learned his correct age on the 19th November, 1934, his birthday." Then, in answer to learned counsel, she said "It is true I advertised for a boy from fourteen to eighteen, and Stoner came."

Then she was cross-examined by Mr. Croom-Johnson, and she said "I did talk about the visit to London with Stoner the week before. I understood that the deceased was very well off. I had little or nothing, except presents from my mother and, occasionally, earnings from writing. Stoner had nothing. I had differences with my husband about money often, so I deceived him. I told him I was going to have an expensive operation. He said it was a very great sacrifice, but then he always talked like that. I had from him something over £1000 a year. The last time I was intimate with Stoner was the 23rd March. Little John slept in the same room where we were. He was always asleep." That was in answer to a question: "Why did you not go into Stoner's room?" She went on to say: "I did not hear Riggs come in at all. From the time Stoner got in bed with me, he left me only when I left him to run downstairs. I did not hear Stoner speak to Miss Riggs outside. It was the sight of blood which upset me. After Irene came, I poured out the whisky. I was sick and I poured out another. The only thing I can remember after that was putting a towel round the deceased's head," and so forth. She said: "I cannot remember Dr. O'Donnell arriving or being there. I cannot remember any policeman being there. I have no recollection of being arrested or charged, or being before the magistrate." Then she is asked about another matter, and she said: "I had no intention of putting up the sunshade in the garden. I ran downstairs because I heard a groan; I heard it quite clearly. The bedroom door was shut at that time; I am not sure about the drawing-room. Stoner thought I drank too much. I would not have allowed my husband to be intimate with me, if he had desired." She was then asked about two cheques, which it is quite clear she wrote, for £5 each, when she was at the station. I think that was on the question of her recollection. As I have already said to you, it seems to me, the importance of the matter, so far as it is important, is not whether she recollects now so much, as what was her state of mind at the time. It is quite clear that she knew what she was doing at this time, because not only was she signing a statement in what you may think is her ordinary handwriting, but when she got to the station she knew who she wanted to pay money to, she wrote

# Mr. Justice Humphreys' Summing Up.

Mr Justice Humphreys

cheques and wrote them quite correctly, or the amount was the correct amount, and signed them in her ordinary way. She may or may not have forgotten it now. That, in fact, is what she did. Then, in re-examination by her own counsel, she said: "My first thought on hearing Stoner's story was to protect him."

Members of the jury, that is the evidence in this case. You will now be good enough to go to your room and consider your verdict. I have told you, and I repeat it, your duty is to consider the evidence as a whole. Take the case of each of the accused separately. If the prosecution have established to your satisfaction beyond reasonable doubt in the case of either of these persons that the charge of murder is made out, having regard to the direction upon law which I have given you, it will be your duty to say so by your verdict. If in the case of either of them, the evidence of the prosecution fails to satisfy you of the guilt of the accused, do not find that person guilty merely because of suspicion, or for any other reason, but say by your verdict in regard to that person that the prosecution have failed to establish the case, by returning a verdict of not guilty. I know you can be trusted to do your duty. Mr. Foreman, would you like any of the things that have been produced in this case, what I call the Exhibits, I mean statements, so far as they are in writing, the mallet, or anything else?

**THE FOREMAN OF THE JURY**—My lord, may we send out for them later?

**MR. JUSTICE HUMPHREYS**—Yes, send for anything that you want. Just make it clear what you want.

(The jury retired at 2.48 and returned into Court at 3.35.)

**THE CLERK OF THE COURT**—Members of the jury, are you agreed upon your verdict?

**THE FOREMAN OF THE JURY**—Yes, sir.

**THE CLERK OF THE COURT**—Do you find the prisoner, Alma Victoria Rattenbury, guilty or not guilty of murder?

**THE FOREMAN**—Not guilty.

**THE CLERK OF THE COURT**—Do you find the prisoner, George Percy Stoner, guilty or not guilty of murder?

**THE FOREMAN**—Guilty, but we should like to add a rider to that; we recommend him to mercy.

**THE CLERK OF THE COURT**—Then you find Alma Victoria Rattenbury not guilty and you find George Percy Stoner guilty of murder, and that is the verdict of you all?

**THE FOREMAN**—Yes.

**THE CLERK OF THE COURT**—George Percy Stoner, you stand con-

## Rattenbury and Stoner.

victed of murder: have you anything to say why the Court should not give you judgment of death, according to law?

The PRISONER—Nothing at all.

### Sentence.

MR. JUSTICE HUMPHREYS—George Percy Stoner, the jury have convicted you of murder, with a recommendation to mercy. The recommendation will be forwarded by me to the proper quarter where it will doubtless receive consideration. My duty is to pass upon you the only sentence which the law knows for the crime of which you have been convicted.

(Formal sentence of death was then passed.)

MR. JUSTICE HUMPHREYS—Mr. Hawke, there is another indictment against this woman. What course do you propose to take?

MR. HAWKE—My lord, perhaps in view of the jury's verdict, your lordship would think it would be undesirable to proceed further upon the second indictment in this case. If your lordship approves, I should propose to offer no evidence upon it.

THE CLERK OF THE COURT—Alma Victoria Rattenbury, you are charged with being an accessory after the fact, knowing that George Percy Stoner had wounded Francis Mawson Rattenbury with intent to murder him: are you guilty or not guilty?

THE PRISONER RATTENBURY—Not guilty, my lord.

THE CLERK OF THE COURT—Members of the jury, the prisoner at the bar, Alma Victoria Rattenbury, is charged with being an accessory after the fact to an offence committed by George Percy Stoner who is charged in this indictment with wounding Francis Mawson Rattenbury with intent to murder him. To this indictment she has pleaded not guilty and it is your charge to say, having heard the evidence, whether she be guilty or not.

MR. HAWKE—My lord, I am instructed for the Crown in this case and I propose to offer no evidence.

MR. JUSTICE HUMPHREYS—Members of the jury, you can only return a verdict of guilty in any criminal case upon evidence. No evidence is offered upon this charge against the woman, and therefore the only verdict you can return, and one which I direct you to return, is one of not guilty.

THE CLERK OF THE COURT—Members of the jury, are you agreed upon your verdict?

THE FOREMAN—Yes.

THE CLERK OF THE COURT—Do you find the prisoner, Alma Victoria Rattenbury, not guilty upon this indictment?

THE FOREMAN—Yes.

THE CLERK OF THE COURT—That is the verdict of you all?

THE FOREMAN—Yes.

MR. JUSTICE HUMPHREYS—Let ~~the~~ ~~prisoner~~ be discharged.

# APPENDICES.





## APPENDIX I.

### REX. v. STONER.\*

#### COURT OF CRIMINAL APPEAL.

(Before the LORD CHIEF JUSTICE (LORD HEWART), MR. JUSTICE SWIFT,  
and MR. JUSTICE LAWRENCE.

Mr. J. D. Casswell appeared for Stoner; Mr. R. P. Croom-Johnson, K.C.,  
and Mr. Anthony Hawke for the Crown.

Mr. CASSWELL, in opening the appeal, said that the crime was a very clumsy one. It was committed with a heavy mallet and apparently bursts complete lack of premeditation and without any thought of the consequences. There was no sign of anyone having entered Mr. Rattenbury's house on the night of his death, and no one who was in the house attempted to prove an alibi. There was no suggestion of either accident or suicide. Nor was there any sign of two persons having put their heads together and arranged the commission of the crime.

The two people involved were Stoner and Mrs. Alma Victoria Rattenbury. Mrs. Rattenbury was a neurotic woman who gave way to sudden bursts of excitement which were sometimes caused by drink. No boy could have been given a better character than Stoner was given by everyone who knew him. He appeared to be a model boy. Everyone said that he never gave way to excitement or violence.

Counsel reviewed the evidence which was given at the trial, and submitted that there ought to have been separate trials. Mrs. Rattenbury and Stoner could not possibly, he said, be tried together without serious fear of a miscarriage of justice.

Up to the time at which Mrs. Rattenbury was arrested, there was no evidence against Stoner except that on the evening of the crime he had gone perfectly openly and borrowed the mallet from his grandmother, and except that Mrs. Rattenbury had said in one of her statements that her "lover did it." Subsequently, however, Mrs. Rattenbury stated that she "did it." After Mrs. Rattenbury was charged Stoner who had made previous statements which did not implicate him in the crime, proceeded to provide evidence against himself.

When the prisoners were jointly indicted the defence were faced, not with the usual position of the two prisoners accusing each other, but with that of each prisoner saying: "I did it and I did it alone."

By being put on trial with Mrs. Rattenbury, Stoner was put in a terrible position. So were his legal advisers. Everyone knew that Stoner was completely under the domination of Mrs. Rattenbury and that he was deeply in love with her. Supposing that he was innocent, what a terrible position was that in which he was placed! The prosecution in effect said: "We say that one of you is guilty. Now, Stoner, if you want to clear yourself, your counsel must cross-examine this woman, and every time he makes a point in your favour he makes a point against her. If you go into the witness-box and give evidence on your own behalf, you will help to convict her."

---

\* Reproduced by the courtesy of the Editor of *The Times*.

# Rattenbury and Stoner.

If Stoner had given his word to Mrs. Rattenbury that he would take the blame, could anyone blame him as an honourable man for keeping his word and not going into the witness-box?

It was in the discretion of the Judge at a trial whether or not he should grant separate trials to two prisoners who were indicted together, and the Court of Criminal Appeal had said in a number of cases that separate trials should always be granted where there was a likelihood of a miscarriage of justice, that is, of someone being wrongly convicted. In the present case there was a very strong likelihood of someone being wrongly convicted. If Mrs. Rattenbury had been tried separately and before Stoner, there would no longer have been any need for chivalry on Stoner's part.

MR. JUSTICE LAWRENCE—Why do you say that Mrs. Rattenbury would have been tried first.

MR. CASSWELL—She was first on the indictment and, while the prosecution have a right of election, it is probable that she would have been tried first.

Counsel, continuing, said that Stoner's being tried with Mrs. Rattenbury resulted in his being under the additional handicap that a quantity of evidence was given when he was in the dock which would have been inadmissible if he had been on trial alone.

MR. CASSWELL then asked if he might call Stoner as a witness to give, for the first time, his account of what occurred. Mrs. Rattenbury was now dead and the necessity which had prevented Stoner giving evidence at the trial no longer existed. Stoner did not give evidence at the trial because he was afraid of incriminating Mrs. Rattenbury. An unfortunate impression might have been created that Stoner's legal advisers had advised him to keep out of the witness-box.

With regard to the defence that Stoner was under the influence of cocaine on the day of the crime, counsel submitted that that matter was not sufficiently put to the jury by Mr. Justice Humphreys in the summing-up. The whole thing was slurred over, although evidence had been produced which was proper to be left to the jury, and, finally, the defence of manslaughter was not left to the jury at all.

MR. JUSTICE SWIFT—Where is there any evidence—whether Stoner was a cocaine addict or whether he was not a cocaine addict—that on the night of this crime he was in such a condition that he could not form the intention of hitting a man on the head with a mallet with the intention of doing him some hurt? The evidence, on the other hand, seems to suggest that he was perfectly normal at the time of the offence.

MR. CASSWELL—There was very little evidence, but in my submission there was just sufficient to be left to the jury.

MR. JUSTICE SWIFT said that Stoner's own evidence would have been the best possible to establish that he had taken such quantities of cocaine that he did not know what he was doing. He could have said that without involving Mrs. Rattenbury.

MR. CASSWELL—If he had, he could have been cross-examined at large about everything which happened on that day.

MR. JUSTICE SWIFT—If it were true that he had taken so much cocaine that he had no recollection of what had occurred, no one could have got anything out of him.

Counsel for the Crown were not called on to argue.

## JUDGMENT.

The LORD CHIEF JUSTICE, in giving judgment of the Court, said that it was not suggested that there was not abundant evidence on which the jury might convict Stoner of wilful murder. It was, however, argued that there

## Appendix I.

ought to have been separate trials. It was said that the trial of Stoner with Mrs. Rattenbury had the effect of putting him in a position of great and unnecessary difficulty. It was a well-established rule of the Court that the question whether two or more prisoners should be tried separately or together was one for the discretion of the Judge at the trial. It was within his power, if sufficient reason appeared, to say that prisoners should be separately tried. In the present case Mr. Justice Humphreys, a Judge of great experience in the criminal law, decided that the trials of Stoner and Mrs. Rattenbury ought not to be separate. Moreover, when he knew all the facts of the case, he expressed the opinion that the trials ought not to have been separate.

In the opinion of the Court it was a matter for the discretion of the Judge and that discretion had been rightly exercised. It was apparent that substantially the same difficulties confronted the defence without reference to whether the cases were heard separately or together.

Secondly, it was contended that the Court ought now to hear Stoner give evidence although he had chosen to hold his tongue at the Central Criminal Court. As Mr. Justice Bray had said in *Rez v. Rose* (14 Crim.App.Rep. 14), the Court would hear an appellant who had not given evidence at the trial only in very exceptional circumstances, otherwise defendants would take their chance of not giving evidence before the jury at their trial. A series of authorities was cited in support of that proposition and that series could now be extended.

In the opinion of the Court there was no such exceptional circumstances in the present case as would justify the Court in permitting Stoner, after further consideration, to offer himself as a witness. Indeed, the way in which the request that he should do so was presented appeared, when one examined it, to be almost cynical. It was desired that Stoner should now go into the witness-box so that, after the death of Mrs. Rattenbury, he might have an opportunity of swearing that which he was not prepared to swear while she was alive. The application for leave to call Stoner as a witness must be refused.

Thirdly, it was said that justice was not done to what had been called the "defence of cocaine," a concise expression for describing the defence that, by reason of Stoner's having taken large doses of cocaine, he had, at the material time, disabled himself from forming any intention to commit a felonious act. The Court had had the opportunity of reading all the evidence on that point and a protracted disquisition on the properties of cocaine. If there were any observation to be made with regard to Mr. Justice Humphreys's summing-up on that point, it would be that he treated with almost excessive respect the suggestion that was put to the jury.

It was said that the defence of manslaughter was not left to the jury. The answer to that was twofold—first, that it was so left, and, secondly, that the defence of manslaughter was identical with the "cocaine defence."

Finally, it was suggested that in some way or other Mr. Justice Humphreys did not quite appreciate the evidence. A man who was capable of believing that was capable of believing anything.

"There is no need," concluded his lordship, "to reiterate the evidence of this sordid and squalid case. There is nothing at all in this appeal except that it arises out of a charge of murder. It is a mere waste of time.

"The fact, if it be a fact, that a lad of good character has been corrupted by an abandoned woman, old enough to be his mother, raises no question of law, nor can it be employed as a ground of appeal to this Court. We have no power, nor have we the inclination, to alter the law relating to murder in this respect. The appeal is dismissed."

## APPENDIX II.

---

### INQUEST ON ALMA VICTORIA RATTENBURY.\*

The inquest on Alma Victoria Rattenbury, whose body was found in a tributary of the River Avon, near Christchurch, on Tuesday, 4th June, 1935, with several stab wounds in the chest, was held at Fairmile House, a public institution at Christchurch, on Friday, 8th June, 1935. The Coroner, Mr. F. B. Ingoldby, sat without a jury.

Mr. E. W. Marshall Harvey represented George Percy Stoner; Mr. R. H. Lewis-Manning represented the relatives of Mrs. Rattenbury.

Dr. GEOFFREY ARTHUR JONES said that at 10.15 p.m. on Tuesday, 4th June, he saw the body at the mortuary at Fairmile House; it was the body of a well-nourished woman, aged thirty-five to forty. There was a considerable amount of blood on the chest and the woman was dead. A superficial examination was not sufficient to ascertain the cause of death. On the following morning he carried out a *post-mortem* examination and found two old operation scars as a result, apparently, of appendicitis, and six stab wounds on the chest, five large ones and one small one. Five of these wounds were in the left breast, and they all passed downwards and inwards. Three of the wounds were in the heart. From the shape and directions of the wounds, he was of the opinion that she died from hæmorrhage following wounds self-inflicted by some sharp instrument held in the right hand. Death must have been almost instantaneous, and she was dead before entering the water.

Miss IRENE RIGGS, Mrs. Rattenbury's companion-help, said that she identified the body as that of Mrs. Rattenbury, widow of Francis Mawson Rattenbury, a retired architect. She last saw Mrs. Rattenbury alive in London on 1st June. She identified a brown handbag as the property of Mrs. Rattenbury, and a number of letters as being in Mrs. Rattenbury's handwriting.

WILLIAM CHARLES MITCHELL, a Christchurch cowman, said that at 8.30 p.m. on 4th June he was walking across a meadow adjoining Stoney Lane, Christchurch. As he approached the railway line he saw Mrs. Rattenbury sitting on the bank of a stream which passes underneath the railway; she was smoking a cigarette, and was alone. He crossed the stream by the bridge and went down the embankment on the other side. As he did so he looked through the rails of the bridge and saw that she was standing on the water's edge. She bent down, and he saw a knife in her hand. She appeared to fall into the water. He ran up the bank, over the bridge, and down the other side, and when he reached the edge she was lying face upwards in the water a few feet into the stream. He entered the water as far as he could, but was unable to reach her. There was a fur coat lying on the bank, and, taking hold of one end, he threw the other end to her. She made no attempt to take hold of it. He then saw blood coming to the top of the water, and as he could do no more he ran to a cottage and later notified the police.

---

\* Reproduced by the courtesy of the Editor of *The Times*.

## Appendix II.

JAMES PENNY, a labourer, said that at 8.40 he heard that a woman had been found in the stream. He went as quickly as he could, but being unable to reach her with a pole, he returned to his cottage for a longer one, and with this recovered the body.

Police-constable KING said that he arrived at the spot at 9 p.m. Mrs. Rattenbury was lying on the bank fully clothed. He found a handbag about four yards from her, and inside were letters. Lying close to the handbag was a paper bag which contained a dagger sheath. Mrs. Rattenbury's hat was also lying close by the bag. He helped to remove the body to the mortuary.

The CORONER then referred to the letters which Mrs. Rattenbury had left, and said he did not propose to read them all, but only extracts. The first was from a letter dated 4th June—

I want to make it perfectly clear that no one is responsible for what action I may take regarding my life. I quite made up my mind at Holloway to finish things should Stoner . . . and it would only be a matter of time and opportunity. Every night and minute is only prolonging the appalling agony of my mind.

This letter went into a lot of neurotic statements which he did not propose to read. There was another letter, dated 3rd June, written on the back of an envelope addressed to the Governor of his Majesty's Prison, Pentonville.

An extract of this was :

If I only thought it would help Stoner I would stay on, but it has been pointed out to me all too vividly I cannot help him. That is my death sentence.

The next extract, written on an envelope addressed to Mrs. Rattenbury, read—

Eight o'clock. After so much walking I have got here. Oh to see the swans and spring flowers and just smell them. And how singular I should have chosen the spot Stoner said he nearly jumped out of the train once at. It was not intentional my coming here. I tossed a coin, like Stoner always did, and it came down Christchurch. It is beautiful here. What a lovely world we are in! It must be easier to be hanged than to have to do the job oneself, especially in these circumstances of being watched all the while. Pray God nothing stops me to-night. Am within five minutes of Christchurch now. God bless my children and look after them.

The last extract read was written, apparently, on the night of Tuesday, 4th June. It ran—

I tried this morning to throw myself under a train at Oxford Circus. Too many people about. Then a bus. Still too many people about. One must be bold to do a thing like this. It is beautiful here and I am alone. Thank God for peace at last.

MAUDE MCCALLAN, matron of a nursing home in London, said that Mrs. Rattenbury was admitted to the home on Monday, 3rd June, for rest and treatment. About 2.30 p.m. on the next day, she borrowed £2 from one of the officials of the home and said that she was going out and would be back by 9 p.m. on that day. She appeared to be in a fairly normal state of health and it was with her doctor's permission that she was allowed to go. She did not return. She (the witness) had no power to detain her.

## Rattenbury and Stoner.

The CORONER then read out his verdict as follows:—

“Alma Victoria Rattenbury was found dead on the 4th June in the River Avon in the parish of Christchurch East. The cause of death was hæmorrhage from self-inflicted injuries by some sharp-pointed instrument held in the right hand, and so I do say that deceased, not being of sound mind, did kill herself.”

## APPENDIX III.

### STATEMENT BY MRS. A. RATTENBURY MADE ON WEDNESDAY AND THURSDAY, THE 27TH AND 28TH MARCH, 1935.

I have been married to Mr. Rattenbury for seven or eight years, and there is one child of the marriage, John, who is six years old.

For the past six years I have not lived with my husband as his wife, and whilst we have been at 5 Manor Road, he has occupied a separate bedroom, which was on the ground floor.

Apart from minor troubles we have always been the best of friends, although my husband did not like me going out, and was rather mean towards me.

In September last we advertised for a houseboy to replace one of the maids who had left. I interviewed the applicants, and eventually engaged George Stoner. Some time after he had been in our employment he informed me that he was in the habit of taking drugs, and I consulted a doctor about him. I think that he did this with a view to getting me to take an interest in him, and I do not think that he does take drugs now.

Some few months ago we started living together and my maid, Irene, knew about this.

On Tuesday, the 19th March, Stoner and I went away together to London. I told my husband that I was going down to consult a doctor about an operation, and I did this to get some money from him so that I could buy some clothes. We started by car, but the car broke down at Southampton, and we went on by train. We stayed at the Royal Palace Hotel until Friday, when we returned by train to Southampton, picking up the car, and arriving at 5 Manor Road at about 10.30 or 10.45 on Friday night.

Whilst we were in London we did nothing in particular except that we visited various shows, and I bought some clothes.

On our arrival at Bournemouth I went into the drawing-room, and said good-night to my husband, and we then went to bed.

On Saturday morning we fetched John from school, and in the afternoon he and Stoner and I went to see a football match at Picket Post, where my son was playing.

In the evening John had his bath and I played with him, afterwards having supper with my husband and going to bed.

On Sunday morning my husband and John and I and Stoner went to the Tree Top Kennels to see whether Dinah's puppies had been sold. We came back for lunch, and in the afternoon I played with John upstairs. I had tea with my husband and he said that he was very depressed about a scheme for building flats which he had, and that he wished he was dead. Frequently he has threatened to commit suicide. I endeavoured to cheer him up, and I suggested that we should go and see Mr. Jenks at Bridport on the following day and stay the night at his house. After tea I telephoned to Jenks and made arrangements for my husband and I to go and stay with him, and I told my husband about it. He seemed quite pleased.

After tea I did not go out, and I played with John and put him to bed.

I had supper with my husband, and afterwards I played cards with him in the drawing-room. I left him at about 9.30 or 9.45 and went



## Rattenbury and Stoner.

to bed. He was then sitting in his chair near the coal-box with his back to the french doors, which were open. These doors were nearly always open for Dinah to go out into the garden.

When I got upstairs Stoner came out of his room and came into my room, and we got into bed. John was asleep in the little bed. I believe that my window was open. We had been in bed some time when I heard a groan. Stoner heard the groan too, and I said, "What is that?" and ran downstairs. I went into the drawing-room, and I found my husband with his head on one arm of the chair, and a large pool of blood on the floor. I was dressed in pyjamas and a blue kimono, but I had no shoes on my feet. As I went across the room towards my husband I trod on his false teeth, which had been knocked from his mouth, and at the same time I screamed, and Irene, the maid, came downstairs.

There was an unfinished glass of whisky by my husband's side. I also yelled for Stoner to come downstairs too. I did not look into the garden, nor did I see any weapon which might have caused the injury to my husband's head. I did not inspect the injuries carefully, but I saw that he had been hit on the back of the head.

I took off the blue kimono, and the three of us lifted my husband and carried him into his room. I asked Irene to send for Dr. O'Donnell. I should think it was some time about a quarter-past ten when I discovered my husband.

I helped myself to whisky, as I felt very upset, and I became very excited. Dr. O'Donnell came, and afterwards Mr. Rooke. They moved my husband out of the house. I do not remember Dr. O'Donnell going out of the house, nor do I remember the police arriving. I remember Mr. Rooke telling me to get out of the way when he was looking at my husband. I had several drinks. I can remember seeing Dr. O'Donnell again when he was trying to give me something. I do not remember him telling the police that they should not question me.

I think Dr. O'Donnell managed to get me upstairs to bed. I cannot remember anything more until Irene got me out of bed. I had a bath. I do not remember making any statement to the police at all, nor do I remember being in Stoner's room. Before they took me away I remember saying goodbye to John at the door.

I do not remember clearly being charged, when I said that "I did it deliberately and would do it again." I remember seeing a mallet. It was shown to me by, I think, Inspector Carter, and I believe this was in the police station, but I am not certain. I had never seen it before. They asked me whether that was the mallet, and I said "Yes." I do not think I handled it, or that they asked me to do so.

I made the statement that I had done it deliberately because I thought that Stoner had something to do with it, although I now realise that no time elapsed in which it was possible for him to have done it.